JOURNAL
OF THE
SENATE
OF THE
STATE OF ALABAMA

REGULAR SESSION OF 1979

HELD IN THE CITY OF MONTGOMERY
COMMENCING TUESDAY, APRIL 17, 1979

Vol. 2

WITH AN INDEX PREPARED BY THE
SECRETARY OF THE SENATE

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To facilitate research in the Senate Journal, the following information is included at the end for your convenience.

1. List of registered lobbyists, with lobby group affiliation;

2. Legislative roster, listing names and addresses of all members of the current Legislature by district;

3. A listing of legislative days, with calendar dates and pages on which each day begins;

4. A topic index of general bills listed alphabetically by subject matter;

5. A topic index of local bills listed alphabetically by counties;

6. A topic index of resolutions;

7. A miscellaneous index, including all items not categorized as bills or resolutions;

8. A sponsor index, listing all Senate bills and resolutions alphabetically by author;

9. A Senate bill numerical index, with short titles; and

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JOURNAL
OF THE
SENATE
OF THE
STATE OF ALABAMA
REGULAR SESSION OF 1979

TWENTY-FOURTH LEGISLATIVE DAY

TUESDAY, JULY 10, 1979

The Senate met pursuant to adjournment, Lieutenant Governor McMillan presiding.

PRAYER

The Session was opened with prayer by the Reverend Daniel Ronsisvalle, Pastor, Huffman Assembly of God, Birmingham, Alabama.

ROLL CALL

Present:

Messrs.:	Figures	Kirkland	Proctor
Bailey	Glass	Lemaster	Robertson
Barron	Goodwin	Little	St. John
Britnell	Gulledge	Martin	Smith
Callahan	Hall	McDonald	Taylor
Clemon	Harrison	Miller	Teague
Cook	Higginbotham	Mitchem	Vacca
deGraffenried	Holmes	Parsons	Weeks
Denton	Keener	Pearson	White

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JOURNAL

On motion of Mr. St. John, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Twenty-Third Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

ALBERT McDONALD,
Chairman.

COMMITTEE REPORT

On motion of Mr. McDonald, the foregoing report was concurred in and the Journal of the Senate for the Twenty-Third Legislative Day was approved by the Senate.

REPORT OF
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, respectively, and finds same correctly engrossed, to-wit:

S. 64. To provide further for the organization, admission, consolidation, merger and dissolution of certain corporations, and to prescribe the powers, authority and duties of such corporations, and of the officers, directors and shareholders thereof; subject to the provisions of Section 188 of this Act, to repeal Sections 10-2-1 through 10-2-7, 10-2-20, 10-2-22 through 10-2-35, 10-2-50 through 10-2-58, 10-2-70, 10-2-71, 10-2-90 through 10-2-98, 10-2-110, 10-2-112, 10-2-114, 10-2-130 through 10-2-135, 10-2-150, 10-2-160, 10-2-161, 10-2-162, 10-2-164 through 10-2-169, 10-2-180 through 10-2-189, 10-2-200 through 10-2-212, 10-2-250 through 10-2-253, 10-2-256, 12-11-34 through 12-11-39, of the Code of Alabama of 1975.

ALBERT McDONALD,
Chairman.

REPORT OF
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills and Senate Joint Resolutions with the original Senate Bills and Senate Joint Resolutions respectively, and finds same correctly enrolled, to-wit:

S. 527. Relating to all cities having populations of not less than 6,000 nor more than 11,999 inhabitants according to the 1970 or any subsequent federal decennial census which have held an advisory referendum election in which the electors have expressed a preference for the election of the city board of education; to provide for the election and tenure of members of the city board of education of any such cities.

Also:

S. J. R. 96. ESTABLISHING A JOINT LEGISLATIVE INVESTIGATIVE COMMITTEE TO INVESTIGATE THE RISING PRICE OF GASOLINE AND OTHER MOTOR FUELS IN ALABAMA.

Also:

S. J. R. 116. NAMING THE NEW JEFFERSON COUNTY HEALTH DEPARTMENT BUILDING IN HONOR OF VETERAN HEALTH OFFICER, GUY M. TATE, JR.

Also:

S. 326. Relating to the City of Florence; amending Section 1 of Act No. 260, H. 316 of the 1978 Regular Session (Acts 1978, Vol. 1, p. 235), so as to make the municipal tax exemption on certain annexed farm property mandatory rather than discretionary with the city commission.

Also:

S. 330. Relating to Baldwin County; providing for the compensation of the tax assessor and tax collector.

Also:

S. 332. Relating to Baldwin County; to further provide for the liability of the sheriff for the acts of his deputies.

Also:

S. 413. To alter or rearrange the boundary lines of the City of Albertville, Marshall County, Alabama, so as to include within the corporate limits of said city all territory now within such corporate limits and also certain other territory contiguous thereto, in Marshall County, Alabama.

Also:

S. 428. An Act altering, rearranging and extending the boundaries of the City of Pleasant Grove, Jefferson County, Alabama.

Also:

S. 440. Relating to Etowah County; providing for the compensation of the tax assessor.

Also:

S. 462. To amend further Act No. 496, H. 930, Regular Session 1953 (Acts 1953, p. 624), as last amended, which prescribes the salaries of certain officers of Chambers County and provides for their assistants and the office space and equipment necessary for the conduct of their offices, so as to increase the salary of certain officers.

Also:

S. 463. To provide that the City of Tuscaloosa shall have authority, after notice as provided, to remove or demolish buildings and structures, parts of buildings and structures, party walls and foundations located within the Corporate Limits of the City when the same are found by the governing body of such city to be unsafe, dangerous, offensive or injurious to the public health or welfare of the community to the extent of being a public nuisance; to provide for a hearing by the governing body if requested; to authorize that the cost of such demolition shall constitute a special assessment against the lot or lots, parcel or parcels, whereon the building or structure was located and that such assessment shall constitute a lien on said property; and to provide a method of collecting such assessments.

ALBERT McDONALD,
Chairman.

SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills and Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Messrs. Glass, Harrison, Hall, Mitchem, Keener, Holmes, Robertson, Miller, Little, Parsons, Teague, Britnell, Taylor, Goodwin, Clemon, Kirkland, Bailey, Gulledge, Weeks, Figures, Lemaster and Callahan:

S. 596. To provide further appropriations totalling $12 million to the Medicaid Program for the current fiscal year of 1978-79, said fiscal year ending on September 30, 1979.

Committee on Finance and Taxation.

By Mr. Callahan:

S. 597. To authorize licensing to engage in alcoholic beverage transactions by the Alabama Alcoholic Beverage Control Board; to provide for application for, and issuance and renewal of, and regulation of the grant of licenses; to impose, levy and authorize state, county and municipality license fees for engaging in manufacture, warehousing, wholesale and retail sale of alcoholic beverages; to prescribe penalties including suspension or revocation of licenses and fines against licensees for violation of laws and regulations of the board; to repeal all laws or parts of laws in conflict herewith.

Committee on Governmental Affairs.

By Mr. Weeks (with notice and proof):

S. 598. Relating to Pike County; to provide an additional expense allowance for the coroner of such county.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 598, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Keener (with notice and proof):

S. 599. To set the compensation of the tax collector of Etowah County.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 599, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. St. John:

S. 600. To amend section 17-2-3 of the Code of Alabama 1975 which relates to the time of election of certain officers, so as to eliminate a conflict between said section and sections 36-3-5 and 36-3-6 relating to the terms of office of the county tax assessors and tax collectors.

Committee on Governmental Affairs.

By Messrs. Kirkland, Harrison, Barron, Robertson, Callahan and Little:

S. 601. To amend Section 36-7-22 of the Code of Alabama 1975, so as to further provide for mileage allowances of persons traveling in private vehicles for the state.

Committee on Finance and Taxation.

By Messrs. Kirkland, Goodwin, Robertson, Proctor, Callahan, Little and McDonald:

S. 602. To amend Section 40-12-244 of the Code of Alabama, 1975, relating to certain exemptions from the payment of privilege or license taxes and registration fees levied on automobile and motor vehicles, so as to provide further exemptions.

Committee on Finance and Taxation.

By Mr. Mitchem (with notice and proof):

S. 603. Relating to Marshall County; to provide further for the powers and duties of the county commission; to ratify and confirm certain expenditures heretofore made to the custodian of voting machines; and to provide further for the method of compensation of said custodian by the county commission.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 603, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. St. John (with notice and proof):

S. 604. Relating to Cullman County; to establish a county personnel board; to provide for the appointment, and compensation of the members; and to provide for the powers, duties and authority of the personnel board in the personnel administration of the county.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 604, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. St. John (with notice and proof):

S. 605. Relating to Cullman County; to provide for the construction, repair, and maintenance of roads and bridges; to provide for the powers and duties of the county commission and the state highway department in this respect; to provide for the transfer of certain equipment, funds and personnel; to provide for the appointment of a county engineer; to provide for the compensation of all county road employees; to provide a salary supplement for members of the county commission; and to provide for approval by the electors of Cullman County as an alternate means of effectuating the provisions hereof.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 605, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Cook:

S. 606. To provide for criminal penalties for failure to obey a lawful order of a member of the state national guard when said member of the national guard is lawfully serving on state active duty.

Committee on Judiciary.

By Mr. Cook:

S. 607. To provide that members of the national guard while on state active duty, shall be possessed with the identical legal authority as a deputy sheriff.

Committee on Judiciary.

By Mr. Cook:

S. 608. To amend Section 31-2-89, Code of Alabama 1975, which bars actions or proceedings against members of the national guard for acts done in the discharge of military duty, so as to provide for conditions under which indemnification by the state shall be available to such persons.

Committee on Judiciary.

By Mr. Cook:

S. 609. To provide that defense counsel be provided to members of the national guard made parties defendant to any civil or criminal actions, when the adjutant general shall determine that the action arises from an act or omission of a member engaged in any duty under the military code, and that said member acted reasonably or in the line of duty.

Committee on Finance and Taxation.

By Mr. Little (with notice and proof):

S. 610. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Alexander City, in Tallapoosa County.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 610, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. McDonald (with notice and proof):

S. 611. Relating to Madison County; to provide for an increase in salary and expense allowance for certain officials in Madison County; and to provide that Sections 2, 3 and 4 of this act relating to the increase in compensation of certain county officials shall be effective only if all full time county employees and deputy sheriffs have been provided a seven and one-half percent increase in compensation per annum prior to January 1, 1980.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 611, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Harrison (with notice and proof):

S. 612. Relating to Montgomery County; to provide that the judge of probate shall set the salary actually received by the confidential secretary of the probate court within limits set by the city-county personnel board.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 612, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Harrison (with notice and proof):

S. 613. Relating to Montgomery County; to provide that the judge of probate shall set the salary actually received by the chief clerk of the probate court within limits set by the city-county personnel board.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 613, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Harrison (with notice and proof):

S. 614. Relating to Montgomery County; to provide a cost of living raise to the tax assessor, tax collector, and county employees; to further provide an expense allowance to county commission members, the probate judge, sheriff and the circuit clerk.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 614, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Harrison (with notice and proof):

S. 615. Relating to Montgomery County; to further provide for a special recording fee for instruments filed for record in the office of the Judge of Probate; and to provide for the disposition of such fees.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 615, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Keener (with notice and proof):

S. 616. Relating to Etowah County; providing for an additional county supplement to the state pay for the circuit court judges.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 616, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Messrs. Parsons and Hall (with notice and proof):

S. 617. To amend Act No. 512 of the Regular Session of the Legislature of Alabama of 1977 (Ala. Acts, 1977, p. 674, et seq.), herein called "Act 512", which Act relates to the Jefferson County Coroner-Medical Examiner's Office, by changing certain provisions Act 512 now contains regarding the said office and by also incorporating in said Act 512 additional provisions which will establish the Coroner-Medical Examiner's Commission, will provide for the composition of said Commission, and will provide that the said Commission shall have the power to do the following: To consult with the county governing body on the selection, appointment and retention of the Coroner-Medical Examiner, and such Associate Coroner-Medical Examiners as it may be necessary and appropriate to appoint; to promulgate rules and regulations governing the reviews and investigations of the Coroner-Medical Examiner's Office, including the conditions and circumstances upon which such reviews and investigations shall be conducted; to receive and reply to all questions and inquiries concerning the operation of the Coroner-Medical Examiner's function submitted by the Coroner-Medical Examiner, the county governing body, or others; and to assist the Coroner-Medical Examiner in informing the public of the Coroner-Medical Examiner function.

Committee on Local Legislation No. 2.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 617, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. McDonald (with notice and proof):

S. 618. To amend Act No. 366, S. 472, 1978 Regular Session (Acts 1978, p. 309) entitled "An Act Relating to Limestone County; providing for the compensation and expense allowance of certain county officers," so as to provide further for said compensation.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 618, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. McDonald (with notice and proof):

S. 619. Relating to Limestone County; to provide an additional expense allowance for certain elected county officers.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 619, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. McDonald (with notice and proof):

S. 620. To provide for the distribution of payments in lieu of taxes by Tennessee Valley Authority of the United States Government made to Limestone County pursuant to Act of the 1978 Alabama Legislature, approved August 7, 1978, 1978 Acts of Alabama, Page 1787, among the various governmental units, schools, and hospital in Limestone County which receive distributions of ad valorem tax revenues.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 620, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Clemon (with notice and proof):

S. 621. To amend Section 4.04 of Act No. 452, Regular Session of the Legislature of Alabama of 1955, approved September 9, 1955 (Acts of 1955, page 1004), as amended, providing a Mayor-Council form of government for cities having a population of 300,000 inhabitants or more according to the last or any subsequent Federal Census, to provide the method for determining the annual salary to be paid to the Mayor of such city.

Committee on Local Legislation No. 2.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 621, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Britnell:

S. 622. To repeal Act No. 1220, S. 618, Regular Session 1973, (Acts 1973, p. 2068) entitled "An Act To authorize the Tax Assessor, Tax Collector, and Clerk of the Circuit Court, Circuit Judge, Judge of Probate Court and Judge of the Intermediate Court in all counties having a population of not less than 23,900 nor more than 24,450 to hire clerical assistants, to set the compensation of such assistants, and to provide that the salaries of such assistants be paid from the general funds of such Counties."

Committee on Local Legislation No. 1.

By Mr. Britnell (with notice and proof):

S. 623. Relating to Franklin County to authorize the tax assessor, tax collector and judge of probate to hire clerical assistants, to assist him in the performance of his duties.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 623, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Britnell (with notice and proof):

S. 624. Relating to Franklin County; providing further for the compensation of election officials.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 624, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Britnell (with notice and proof):

S. 625. Relating to Franklin County; providing further for the distribution of the payments made in lieu of ad valorem taxes by the Tennessee Valley Authority as authorized by Section 40-28-2, Code of Alabama 1975.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 625, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Mitchem (with notice and proof):

S. 626. Relating to Marshall County; to provide a salary increase for the tax assessor and tax collector for said county and to provide for the effective date of said increase.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 626, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Bailey:

S. 627. To amend Section 41-16-50 of the Code of Alabama, 1975, relating to awarding certain public contracts involving $2,000 or more, so as to further provide for circumstances under which the contract may be awarded to other than the lowest bidder; and to make the provisions of the act retroactive.

Committee on Governmental Affairs.

By Messrs. Taylor and Goodwin (with notice and proof):

S. 628. To amend Act No. 871 (1969 Regular Session H. 1200, p. 1520) relating to law enforcement so as to fix the fee for the issuance of pistol permits in Autauga County and to regulate the disposition and use of such fees, so as to provide further for the disposition and use of such fees; to provide that the provisions of this Act shall be severable; and to repeal all laws and parts of laws in conflict with this Act.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 628, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Messrs. Taylor and Goodwin (with notice and proof):

S. 629. To create the office of supernumerary sheriff for Autauga County and to prescribe the qualifications, duties, appointment, elections and salary of such office.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 629, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Messrs. Smith, McDonald, Mitchem, Martin and St. John:

S. 630. To amend Sections 40-28-1 through 40-28-3, Code of Alabama 1975, which provide for the distribution of in-lieu-of-taxes payments by the Tennessee Valley Authority to counties served by the Tennessee Valley Authority and to dry counties not served by the Tennessee Valley Authority, so as to provide further for said distribution.

Committee on Governmental Affairs.

By Mr. Pearson:

S. 631. To provide from a 4% to a 7% cost of living increase for all state employees and officials, except judges and other elected officials; to promote uniformity, economy and equity by proscribing additional increases resulting from annual merit reviews; to provide for additional salary increases in special individual merit cases, and other salary increases resulting from amendments to the pay plan, that is, changes in the pay rates for the several classifications, by the State Personnel Board; to provide for revision of pay rates by the State Personnel Board; to provide for the conditions upon which the Governor shall approve and regulate the granting of the cost of living increase hereby authorized; to otherwise provide for and identify the funds from which said cost of living increase shall be paid and to appropriate such additional funds as may be necessary to pay such increase, subject to the approval of the Governor based on the condition of the state treasury and/or the availability of monies otherwise appropriated for any purpose during the Fiscal Year ending September 30, 1980, provided, however, that monies in the Alabama Special Educational Trust Fund shall not be used to pay this increase for state employees and officials.

Committee on Finance and Taxation.

By Mr. Parsons:

S. 632. To further amend Section 9910 of Act No. 607, S. 33 of the 1977 Regular Session (Acts 1977, Vol. II, p. 812), as amended, so as to further provide for the effective date.

Committee on Judiciary.

By Mr. Teague (with notice and proof):

S. 633. To provide for a supplemental salary for the District Attorney of the Thirtieth Judicial Circuit, to be paid equally by the counties; comprising such circuit; and to fix the amount and method of payment thereof; and to provide for retroactive effect.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 633, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Teague (with notice and proof):

S. 634. To regulate the expense allowances in the Thirtieth Judicial Circuit for district judges; and to provide for retroactive effect.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 634, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

RECESS

At 2:45 P.M., on motion of Mr. Pearson, the Senate took a recess until 6:30 P.M. this evening.

The recess period having expired, the Senate was called to order by Lieutenant Governor McMillan. A quorum of the Senate was present.

REPORTS OF COMMITTEES

Mr. Clemon, Chairman of the Standing Committee on Judiciary reported that said committee in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Sandusky:

H. 337. To promote temperance by regulating the sale of alcoholic beverages; to authorize the Alabama alcoholic beverage control board to permit the handling and sale of table wine, containing not more than 14% alcohol by volume, by its licensees; to define terms, including wine, table wine, fortified wine or vinous liquor, manufacturer, wine wholesaler and wine retailer; to provide for the licensing of wine manufacturers, wine wholesalers and wine retailers by Alabama alcoholic beverage control board; to impose state filing fees thereon and to levy state license fees on wine wholesalers and retailers; to authorize the levy of county and municipal license fees thereon; to impose exclusive statewide tax on or measured by the sale of table wine and provide for the collection, administration and distribution thereof; to proscribe violations and offenses, and provide for the imposition of fines and the suspension or revocation of licenses.

By Rep. Manley:

H. 573. To amend Sections 8-6-3, 8-6-7, 8-6-8, 8-6-11, 8-6-12, 8-6-18, 8-6-57 and 8-6-58, Code of Alabama 1975, relating to the Alabama Securities Act, so as to further delineate the circumstances under which the commission may deny, suspend or revoke registration of dealers or salesmen; to require the submission of an opinion of counsel as to the legality of securities being registered by qualification; to provide that registration by qualification shall be effective for a period of one year; to further define an isolated transaction; to increase the filing fee for application for exemption from registration in certain nonpublic offerings of securities; to further define the scope of the act with respect to when an offer or sale is made in this state; to increase the criminal penalties for violation of the act and provide for its enforcement; to change the merit system classification of the deputy director; and to provide for the employment of additional personnel.

By Rep. Manley:

H. 667. To provide for county law libraries in each county, and for the personnel, space, funding, operation, and maintenance thereof, making said law libraries part of a network with the other law libraries in the state for their mutual benefit; permitting present county law libraries to come under the provisions of this act if they elect to do so.

By Rep. Biddle:

H. 685. To prohibit possession of a firearm at demonstrations by anyone other than an on duty law enforcement officer, and prescribes penalties for violations of this Act.

Mr. Clemon, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Rep. Gafford, et al (With Amendment):

H. 715. To amend Sections 501, 645, 650, 1235, 2015, 3225, 3230, 3240, 4045, 4140, 4145, 4150, 4510, and 4535 of Act No. 607, S. 33, Regular Session 1977 (Acts of Alabama 1977, p. 812), as amended, entitled, "An Act To provide an entirely new criminal code for the State of Alabama; defining offenses, fixing punishment; repealing numerous specific code sections and statutes that conflict herewith as well as all other laws that conflict with this Act," and to repeal Section 640 of said Act No. 607.

Mr. Clemon, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Cook:

S. 147. To authorize the carrying of a handgun by any honorably retired law enforcement officer whose retirement was not based on any pending disciplinary or legal action.

By Mr. St. John:

S. 228. To amend Section 12-1-6, Code of Alabama 1975, which relates to certain procedures relating to local legislation introduced which affects the

judiciary, so as to provide that it shall be the duty of the administrative director of courts, or his designee, to secure certified copies of such legislation from the secretary of the Senate and the clerk of the House of Representatives.

Mr. Clemon, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Bailey (With Amendment):

S. 328. To require any person, firm, or corporation which operates, constructs, or maintains a nuclear powered electric generating facility licensed by the U. S. Nuclear Regulatory Commission to conduct inquiries into the criminal records of any employee who performs duties at such facility; to require that fingerprint cards of such employee be submitted by his employer to the Alabama Department of Public Safety requiring a search to be conducted at state and federal criminal history files with the results thereof being furnished to submitting employer; to provide exemptions of certain employees from the provisions of this Act; and to relieve and hold harmless the Department of Public Safety from any liability arising from disclosure of criminal history records provided under the provisions of this Act.

Mr. Clemon, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Kirkland and Callahan:

S. 341. To amend Section 41-3-6 of the Code of Alabama 1975, relating to fine for exploring or excavating aboriginal mounds, earthworks or other antiquities contrary to law so as to provide further for such fine.

By Mr. Parsons:

S. 412. To prohibit persons from processing or manufacturing fraudulent driver licenses and to set penalties for violating this act.

By Mr. Callahan:

S. 451. To prohibit possession of a firearm at demonstrations by anyone other than an on duty law enforcement officer, and prescribe penalties for violations of this Act.

By Mr. St. John:

S. 495. To provide for a durable power of attorney that may survive death or disability of the principal.

By Mr. Keener:

S. 514. To amend Section 32-10-8 of the Code of Alabama 1975, so as to require the social security number of drivers involved in accidents on the uniform accident report form.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Callahan:

S. 275. To provide a hearing committee for school boards for the purpose of hearing contested contract cancellations of teachers on continuing service status in certain counties having a population of not less than 300,000 nor more than 500,000 according to the last or any subsequent federal census in the State of Alabama.

By Mr. Mitchem (with notice and proof):

S. 560. Relating to DeKalb County providing additional or supplemental laws applicable to sub-division regulations and public health in DeKalb County because of the porous sandy soil and sand rock structure of the soil in said county; providing that neither the State Department of Health nor any other state or local officer or agency shall withhold approval of any sub-division or any lot therein nor withhold or refuse to issue a septic tank permit or health approval on any tract of land, which has topsoil of at least 36 inches over sandstone and has a percolation rate of one inch in 60 minutes or less.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Harrison (with notice and proof) (With Substitute):

S. 579. Relating to Montgomery County; providing that in addition to all presently existing pistol permit fees, there is hereby levied an additional pistol permit issuance fee in the amount of $5.00; providing that $3.00 of said additional fee be paid into the county treasury for the establishment and maintenance of a fund which is hereby designated and entitled as the "Sheriff's Fund"; providing for the use of said "Sheriff's Fund"; providing that $1.00 of the additional fee collected shall be credited to the county's portion of contribution for Class II employees, under any retirement plan in effect in said county; the remaining $1.00 of the additional fee collected shall be credited to the general fund of the county.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Harrison (with notice and proof):

S. 585. Relating to Elmore County; to alter, re-arrange and extend the boundary lines and corporate limits of the City of Millbrook in Elmore County, Alabama and to set the limits of the police jurisdiction.

By Mr. Keener (with notice and proof):

S. 592. Relating to Etowah County; providing for the salaries of the chairman of the county commission and the members of such commission.

By Rep. Waggoner (with notice and proof):

H. 155. To change the compensation of the probate judge of Shelby County, Alabama.

By Rep. Smith (C) and Owens:

H. 212. To correct a discrepancy in the boundary line of Chilton and Bibb Counties in the procedure provided by Section 39 of the Alabama Constitution.

By Reps. Stout and Rains (with notice and proof):

H. 705. Relating to DeKalb County; to provide an additional expense allowance for the chairman and members of the county commission.

By Rep. Kennedy (C), et al (with notice and proof):

H. 736. Relating to Mobile County; to provide that any master plumber, journeyman plumber, plumber apprentice or other person qualified to perform plumbing work under the plumber licensing laws of Alabama shall be exempt from taking any further examination in order to obtain any county or municipal license to do business in such county or municipality.

By Rep. Campbell (with notice and proof):

H. 801. To amend Section 6 of Act No. 608 approved by the Alabama Legislature on September 4, 1951, by increasing the amount of compensation to the Sheriff's attorney.

By Rep. Waggoner (with notice and proof):

H. 824. Relating to Shelby County; to amend Sections 3, 4, 5, 10, 11, 13 and 15 of Act No. 62, H. 213, First Special Session 1977, (Acts 1977, p. 1483), which relates to districts for fighting or preventing fires, so as to further provide for elections concerning such districts, trustees, interim trustees, and service charges and filling vacancies on the Board of Trustees; to prescribe the powers of the district; and to exempt districts created under the act from all taxes, including license and excise taxes, levied by the state, any county, municipality or other political subdivision of the state; and to exempt such districts from payment of certain charges to judges of probate.

By Rep. Campbell (with notice and proof):

H. 830. Relating to Calhoun County; to repeal Act No. 610, Acts of Alabama, Regular Session 1978, Relating to the offices of the tax assessor, tax collector, license commissioner, probate judge and coroner in Calhoun County; to authorize the tax assessor to appoint a deputy assessor; to authorize the tax collector to appoint a deputy coroner; to establish the duties of such deputies; and to prescribe the respective salaries to be fixed by the county commission.

By Reps. Waggoner, Moore and Smith (C) (with notice and proof):

H. 857. Relating to Shelby County; to provide further for the compensation of certain poll officials and poll workers.

By Reps. Waggoner, Moore and Smith (C) (with notice and proof):

H. 858. Relating to Shelby County; to require all polling places to remain open between the hours of 7:00 A.M. and 7:00 P.M. at all state and local elections held in the county; and to repeal Act No. 249, H. 873 of the 1975 Regular Session (Acts of Alabama 1975, p. 782) relating to the hours polling places remain open during elections.

By Rep. Minus (with notice and proof):

H. 864. Relating to Choctaw County; to give the county commission certain powers and authority in regard to constructing and maintaining roads and driveways leading to schools, churches, church owned cemeteries, and private dwellings.

By Rep. Minus (with notice and proof):

H. 865. To provide for a certain increase in court costs in the Choctaw County division of the First Judicial Circuit of this state with a portion of the proceeds from such increase to be earmarked for the salaries of deputies sheriff in Choctaw County.

By Rep. Owens (with notice and proof):

H. 866. Relating to Bibb County; prescribing the meeting dates for the county governing body.

By Rep. Owens (with notice and proof):

H. 867. Relating to Bibb County; to provide for an additional expense allowance to the chairman of the county governing body.

By Rep. Owens (with notice and proof):

H. 868. Relating to Bibb County; to provide for an expense allowance for members of the county governing body, effective only upon the defeat at a Bibb County referendum election of a bi-unit road maintenance act for Bibb County passed at the 1979 Regular Session of the legislature.

By Rep. Owens (with notice and proof):

H. 869. To amend Act No. 869, H. 1197, Regular Session 1969 (Acts 1969, p. 1579), which Act provides for an expense allowance for the members of the board of education in Bibb County, so as to provide further for such expense allowance.

By Rep. Owens (with notice and proof):

H. 870. Relating to Bibb County; establishing a bi-unit road maintenance, repair and construction system; providing for two shop and storage yards; providing for the construction, maintenance and repair of public roads, highways, bridges, ferries and certain driveways under the county bi-unit system; authorizing and requiring the county governing body to employ and regulate the compensation of a county engineer; providing for the manner of selecting said engineer; providing for the manner of selecting said engineer; prescribing his qualifications and requiring bond; defining his authority, powers and duties and those of the county governing body in relation to the roads, bridges and ferries of Bibb County; providing for compensation to be paid to county officers, employees and laborers; and providing for a referendum.

By Rep. Owens (with notice and proof):

H. 871. Relating to Bibb County; to provide for the employment of clerks, secretaries, and clerical assistants to perform duties in the office of the Judge of Probate and in the office of the Sheriff of Bibb County; to provide for the salaries of all such employees; and to authorize the Bibb County Commission or other like governing body to pay salaries or any portion thereof of

existing and future clerks, secretaries and clerical assistants employed by the Judge of Probate and the Sheriff and who are performing duties in such respective offices.

By Rep. Kennedy (C) (with notice and proof):

H. 876. To amend Act No. 107 adopted February 14, 1956, as amended by Act No. 155, adopted August 2, 1957, as amended by Act No. 455, approved September 6, 1957, as amended by Act No. 235, approved August 15, 1963, such original Act creating and providing for in the City of Prichard, Alabama, a special fund to be known as the Municipal Employees Pension and Relief Fund. In addition to the provisions already enacted, this amendment amends Section IX by changing in Section IX the payments of monthly benefits from one (1) year to five (5) years and amends Section X dealing with employees while performing their duties becomes or is found to be physically, mentally or permanently disabled to be retired and to be paid from the said fund a sum equal to sixty per cent (60%) of his or her compensation as provided in said Section X. This Amendment deletes from said Section X the five (5) year period for which said retirement shall be payable.

By Rep. Minus (with notice and proof):

H. 882. To amend Section 9-11-190 of the Code of Alabama 1975 relating to the catching of nongame fish from public waters by use of wire baskets so as to specify the mesh size of baskets to be used in public waters of Choctaw County.

Mr. Vacca, Chairman of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Vacca (with notice and proof) (With Amendment):

S. 567. To define the power of the governing body of municipalities located in Jefferson County, and the power of the Jefferson County Commission, to set rates of pay of employees and to provide for other job benefits of employees and to provide for rights of governmental employees, employed by municipalities located in Jefferson County and employed by Jefferson County to due process of law, before being deprived of benefits of government employment.

Mr. Vacca, Chairman of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Waggoner (with notice and proof):

H. 153. Relating to Jefferson County; to amend Act No. 261, H. 1462, Regular Session, 1975, (Acts of 1975, p. 795) an act fixing supplemental salaries for each District Court Judge in Jefferson County, Alabama.

By Rep. Harrison (with notice and proof):

H. 619. To amend further Act No. 929, S. 676, Regular Session 1951 (Acts 1951, p. 1579), as extensively amended by Act No. 1272, S. 620, Regular Session 1973 (Acts 1973, p. 2124), and other amendatory acts, which relate to the establishment of a pension and relief or retirement and relief system for

officers, employees, or their dependents, of any city having a population of 250,000 according to the 1970 or any subsequent federal decennial census, so as to provide further for the definitions of "full time employee" and "qualified employee" and to provide further for new participants' credit for certain prior service.

Mr. Vacca, Chairman of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Rep. Gafford (With Substitute):

H. 286. Proposing an amendment to the Constitution of 1901, as amended, so as to create the office of Assistant Judge of Probate of Jefferson County; prescribing the qualifications for such office.

The above Bill was read a second time at length as required by the Constitution.

Mr. Clemon, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with substitute, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Smith (J) (With Substitute):

H. 38. To amend Sections 30-2-31, 30-2-50, 30-2-51, 30-2-52 and 30-2-54 and to repeal Section 30-2-53, Code of Alabama 1975, each of which relates to divorce and alimony proceedings, so as to authorize the courts to make an allowance for the support of either spouse out of the estate of the other; to consider the misconduct of either spouse in determining the amount of such allowance and to award attorneys' fees in such proceedings.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. St. John (with notice and proof):

S. 583. Providing an expense allowance for the chairman and members of the Winston County Commission.

By Mr. St. John (with notice and proof):

S. 584. Relating to Winston County; to provide for the disposition of proceeds of any coal and lignite severance tax distributed to the county by the state; to repeal Act Number 75, H. 50, 1978 Second Special Session, (Acts 1978, p. 1764).

By Reps. Roberts and Carter:

H. 399. Relating to the eighth judicial circuit consisting of Morgan County; to amend Section 4 of Act No. 377, S. 182 of the Regular Session 1978 (Acts 1978, p. 332) which act creates a thirty-ninth judicial circuit and which section provides for the designation of existing judgeships in the eighth judicial circuit and provides for the naming of the presiding judge of such circuit, so as to provide further for the selection process of the presiding judge of the eighth judicial circuit as prescribed by the Alabama Rules of Judicial Administration.

By Rep. Patton (with notice and proof):

H. 724. To extend, alter and rearrange the boundaries and corporate limits of the City of Decatur, a municipal corporation in the State of Alabama so as to include within the corporate limits of the City of Decatur certain adjacent territory.

By Reps. Roberts, Cooley, Letson and Patton (with notice and proof):

H. 851. Relating to Morgan County; to amend Act No. 380, S. 556, 1976 Regular Session (Acts 1976, p. 480), entitled, "An Act Relating to Morgan County; to provide for the Morgan County Board of Education, its members, their districts, qualifications, election and removal from office; and repealing conflicting laws," so as to further provide for the election of said members.

By Reps. Roberts, Cooley, Letson and Patton (with notice and proof):

H. 852. Relating to Morgan County; to authorize the Morgan County Commission to furnish the coroner of said county an automobile for use in the performance of his official duties.

By Reps. Roberts, Cooley, Letson and Patton (with notice and proof):

H. 853. To amend Act No. 636, H. 977, 1978 Regular Session (Acts 1978, p. 901), entitled, "An Act To authorize certain expense allowances for the members of the board of education in Morgan County," so as to provide further for out-of-county expenses incurred by said members; and to ratify and confirm expenditures made in the county pursuant to Act No. 477, 1967 Regular Session or Act No. 656, 1969 Regular Session; and to provide that certain provisions hereof shall have retroactive effect.

By Rep. Patton (with notice and proof):

H. 879. To extend, alter and rearrange the boundaries and corporate limits of the City of Decatur, a municipal corporation in the State of Alabama so as to include within the corporate limits of the City of Decatur certain adjacent territory.

By Rep. Patton (with notice and proof):

H. 880. Relating to Morgan County; to place certain limitations on the amount of time which the records of certain registrations and licenses issued and renewed by the judge of probate and license commissioner of said county must be retained on file.

By Rep. Patton (with notice and proof):

H. 889. Relating to Morgan County; to prescribe the method whereby a fee may be charged by the Judge of Probate for celebrating the rites of matrimony after normal courthouse hours and authorizing him to retain such fee for his personal use.

By Rep. Patton (with notice and proof):

H. 894. Relating to the management of the public records of Morgan County; providing for the photographing or microphotographing of such public records and for the admissibility in evidence of photographed or microphotographed copies of records required to be kept by public officers of

Morgan County, and for payment of the cost incurred in the purchase of photographic or microphotographic equipment; to authorize the photographing or microphotographing of old documents and records presently held as public records of Morgan County; to authorize the destruction of old documents not otherwise stored with the State Department of Archives and History.

By Rep. McCorquodale (with notice and proof):

H. 904. To alter, rearrange and extend the boundary lines and corporate limits of the Town of Grove Hill, in Clarke County, Alabama.

Mr. Pearson, chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Pearson:

S. 515. To establish a Capitol Complex Maintenance and Repair Fund and to authorize the Department of Finance to charge rent on state buildings and to appropriate same.

By Messrs. Mitchem and St. John:

S. 381. To amend section 12-17-61, Code of Alabama 1975, relating to the number of district court judges in each district, so as to provide two resident district judges for Marshall county and to provide for the initial appointment of the additional judge and prescribe the duties, powers and authority of such judge.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Mitchem, deGraffenried, Britnell, Denton, Proctor, Martin, Lemaster, Little, Taylor, Goodwin, Miller, Parsons, Hall, and Cook (With Substitute):

S. 589. To make a supplemental appropriation to certain cities and counties in order to compensate said cities and counties for the housing, maintenance and medical support of state prisoners.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Proctor:

S. 476. Relating to soil surveys; to provide for accelerating the soil survey in Alabama so that soil mapping, classification, and interpretation may be completed in 10 years, and to make an appropriation for this purpose.

By Mr. deGraffenried:

S. 509. To make a conditional appropriation to the district attorneys of the several judicial circuits of this state.

By Mr. Little:

S. 582. To establish a program authorizing subsidies to make it possible for children in special circumstances such as with medical needs, disabilities or in long term foster care to be adopted.

By Rep. Owens:

H. 55. To amend Section 40-17-31, Code of Alabama 1975, which relates to the excise tax on gasoline, so as to increase the minimum amount of annual accumulated excise tax proceeds on aviation fuel, upon which the commissioner of revenue grants a percentage tax reduction.

By Mr. Owens:

H. 241. To amend Section 11-51-200 of the Code of Alabama 1975, providing for the levy of a sales tax paralleling the state sales tax by the incorporated cities and towns of the state, so as to remove the prohibition on the levy of such taxes on the alcoholic beverage control board in the sale of alcoholic beverages, and to provide that any counties that have authority to tax under the present law shall have full authority to levy such tax upon the alcoholic beverage control board in the sale of alcoholic beverages as provided under the statutory authorization.

By Rep. Owens:

H. 388. To make appropriations for the support and maintenance of the Marion Military Institute.

By Rep. Owens:

H. 389. To make appropriations for the support and maintenance of the Tuskegee Institute.

By Rep. Owens:

H. 392. To make appropriations for the support and maintenance of the Lyman Ward Military Academy for the fiscal year ending September 30, 1980.

By Rep. Owens:

H. 390. To make appropriations for the support and maintenance of the Talladega College.

By Rep. Owens:

H. 391. To make appropriations for the support and maintenance of the Walker County Junior College.

By Rep. Owens:

H. 387. To provide that legislative appropriations for the fiscal year ending September 30, 1980 to the University of Alabama in Birmingham and the University of South Alabama are for the unrestricted support of the activities of the Universities and therefore insurance companies are prohibited from applying or taking into account in any manner any portion of those appropriations in determining reimbursement for patient care activities.

By Rep. Holley:

H. 239. To provide for the granting of up to five (5) years creditable service under the Teachers' Retirement System of Alabama for

employment-service in public education rendered in states other than Alabama; to provide further for the granting of up to five (5) years creditable service under the Employees' Retirement System of Alabama for public employment rendered in states other than Alabama; to provide for the methods and procedures to calculate the member contributions required to purchase such credit and the conditions for eligibility; and to provide that the member shall pay the total cost for such credit.

By Rep. Holmes (A):

H. 23. To require moneys received by criminals as a result, directly or indirectly, of the sale of any story, article, book, play, script, et cetera about any portion of their lives or crimes to be paid to the state board of adjustment for distribution to the victims of their crimes; and to prescribe penalties for violation of this act.

By Messrs. Robertson, St. John and deGraffenried:

S. 500. To amend Section 2, Subsection III (a) (9) (c) of Act No. 597, H. 244 of the 1978 Regular Session, which act makes appropriations from various funds of the State for the ordinary expenses of the executive, legislative and judicial functions of government for the fiscal year ending September 30, 1979, so as to increase the A. B. C. Board appropriation in the Administrative Services Program by $1,000,000.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Pearson and Parsons (With Amendment):

S. 562. To provide salary increases for certain state employees and to appropriate funds therefor; to further provide for the conditions prior to annual merit raises and prior to the employment of certain new personnel.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Clemon:

S. 532. To amend Section 16-40-2 of the Code of Alabama 1975 relating to the courses of instruction in the schools, colleges and universities in this state so as to provide further for the instruction of government or political science in the colleges and universities of this state receiving state support.

By Mr. Miller:

S. 577. To authorize any county board of education and any city board of education to borrow money in anticipation of the issuance of warrants authorized to be issued under either Article 4 or Article 5 of Chapter 13 of Title 16 of the CODE OF ALABAMA 1975 for use for any of the purposes described in said Articles and in evidence thereof to issue warrant anticipation notes maturing not later than eighteen months from the date of issue and bearing a rate of interest not exceeding eight percent per annum, to provide

for payment of such warrant anticipation notes from the principal proceeds from the sale of the warrants with respect to which such notes are issued and from the tax proceeds which the issuing board may pledge to the payment of such warrants, to provide that such warrant anticipation notes may be refunded, extended or renewed by other warrant anticipation notes maturing not more than eighteen months from the date of maturity of the warrant anticipation notes then outstanding, subject to the approval of the state superintendent of education, to provide that such warrant anticipation notes may be sold at public or private sale, subject to the approval of the state superintendent of education, to provide that the board of education proposing to issue said notes shall have received the approval of the state superintendent of education, to provide that all warrant anticipation notes, all interest paid thereon, and all income derived therefrom shall be exempt from all state, county, municipal and other taxation under the laws of Alabama, and to provide that such warrant anticipation notes are proper legal investments.

By Mr. St. John:

S. 438. To amend Section 16-3-9, Code of Alabama 1975, relating to expense allowance and other compensation for members of the state board of education in transacting the business of the board.

By Messrs. Barron, Harrison, Teague, Goodwin, Keener, and Taylor:

S. 102. To make a supplemental appropriation out of the general fund of the state treasury, for the fiscal year ending September 30, 1979, to the Coosa-Alabama River Development Association, for the purpose of promoting and developing the Coosa-Alabama River system.

By Messrs. Kirkland and Teague:

S. 580. To further provide for a fuel adjustment clause for motor fuels on contracts between the State Highway Department and private contractors.

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that the following bills had been placed at the end of the Regular Order Calendar, for today, to-wit:

By Mr. Goodwin (With Amendment):

S. 114. To provide for appointment and designation of Supernumerary Sheriffs of the several counties within this State; to prescribe qualifications for the participants in such commission as Supernumerary Sheriff; to prescribe regulations and procedures for participation in such commission as Supernumerary Sheriff and to repeal conflicting statutes.

By Mr. Britnell:

S. 148. To direct Brewer State Junior College to continue its branch campus in Tuscaloosa; to direct such junior college to continue its recruitment and transportation policies and procedures in Pickens, Lamar, Fayette and Tuscaloosa Counties; and to provide that any monies appropriated or allocated to such junior college shall be expended for the purposes for which they were intended.

Mr. McDonald, chairman of the Standing Committee on Rules, reported that the following Bills have been placed on the Consent Calendar for today, to-wit:

By Reps. Wyatt, Venable and McMillan:

H. 605. To authorize, provide for the licensing of, and to regulate the operation of and hunting on privately owned hunting preserves stocked by artificially propagated or "pen-raised" upland birds; to prescribe the fees for such licenses; to provide for their collection and distribution; to provide that the licensee shall be an agent vendor of hunting licenses; and to prescribe penalties for violation of this act.

By Rep. Hammett:

H. 146. To amend section 32-9-25 of the Code of Alabama 1975 relating to the length of trucks, trailers and semitrailers used on the highways of Alabama so as to allow livestock trucks to measure up to 65 feet in length.

By Rep. Carothers, Hines, Howard, Gafford and Williams:

H. 137. To amend Section 34-23-8 of the Code of Alabama 1975, to allow pharmacists to dispense lower cost generically equivalent drugs in lieu of prescribed brand name legend drugs under certain circumstances; and to prescribe penalties for violation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 181. Relating to Lauderdale County: to provide the fee which may be charged by the Judge of Probate for celebrating the rites of matrimony and authorizing him to retain such fee for his personal use.

Also:

S. 182. Relating to Lauderdale County: providing for an additional expense allowance for county commissioners.

Also:

S. 183. Relating to Lauderdale County: to provide further compensation and expense allowance for certain county officials.

Also:

S. 475. Relating to Etowah County; to further provide for the preparation of the lists of qualified electors which the judge of probate is required to furnish the election inspectors; and to provide for the expenses of the judge of probate for preparation of such lists.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Owens:

H. 386. To make annual appropriations for the support, maintenance, and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1980.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 386. To the Committee on Finance and Taxation.

MOTION IN WRITING

Mr. Martin offered the following Motion in Writing, to-wit:

I move that the Bill, H. B. 3, on page 41 of the 24th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, H. B. 3, referred to the Standing Committee on Rules for placement on the Consent Calendar.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Gilmer (with notice and proof):

H. 763. Relating to Fayette County; giving the county governing body certain powers in regard to maintaining roads and rights-of-way leading to homes or residences on private property.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 763, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Minus (with notice and proof):

H. 888. Relating to Choctaw County; to provide for certain annual increases in the salaries of the members of the county commission during the next four fiscal years and to provide certain expense allowances for such members with such increases and allowances payable from the county general fund.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 888, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Coburn, Greer and Starkey (with notice and proof):

H. 755. Relating to Lauderdale County; to further amend Act No. 296 enacted at the 1949 Regular Session of the Legislature of the State of Alabama, as amended by Act No. 470 enacted at the 1959 Regular Session of the Alabama Legislature, and as further amended by Act No. 548 enacted at the 1975 Regular Session of the Alabama Legislature, relative to privilege or license taxes and excise taxes levied by said Act No. 296 in Lauderdale County outside the city limits of the City of Florence and in the City of Florence, Lauderdale County, by amending Section 11 of said Act No. 296 to provide that all revenues arising from the taxes thereby levied applicable to Lauderdale County outside the city limits of the City of Florence shall be used exclusively for public school purposes and solely for capital outlay, construction and maintenance of the county public schools of Lauderdale County, provided that in the event the Governor shall restrict allotments of educational appropriations made by the Legislature to prevent an overdraft or deficiency in any fiscal year for which such educational appropriations are made by prorating the available revenues among the various departments, boards, bureaus, commissions, agencies, offices and institutions of the State, the said revenues from the tax levied by said Act No. 296 applicable to Lauderdale County outside the city limits of the City of Florence may, in the discretion of the County Board of Education of Lauderdale County, also be used in such fiscal year for general educational purposes, including the payment of teachers' salaries, other current school expenses and the cost of school transportation; subject, however, to all pledges of the revenues from said taxes heretofore or hereafter made to Warrants or other obligations of the County Board of Education of Lauderdale County; and to amend Section 12 of said Act No. 296 to provide that all revenues arising from the tax thereby levied applicable to the City of Florence shall be used exclusively for public school purposes and solely for capital outlay, construction and maintenance of city public schools and the payment of teachers' salaries and other current school expenses, including costs of school transportation, subject, however, to all pledges of the revenues from said taxes heretofore or hereafter made to Warrants or other obligations of the City Board of Education of the City of Florence.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 755, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Starkey (with notice and proof):

H. 802. Relating to Lauderdale County; to amend Act 457, H. 1055, 1975 Regular Session (Acts 1975, p. 1084) which relates to parking facilities near the county courthouse so as to further regulate said parking facilities.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 802, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Shavers, Stout and Hall (with notice and proof):

H. 873. Relating to Jackson County, Alabama; providing for the payment of an expense allowance of not more than two hundred dollars ($200.00) per month to the chairman of the Jackson County commission and to each member of said commission and repealing any laws in conflict therewith.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 873, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Starkey and Greer (with notice and proof):

H. 897. Relating to Lauderdale County, providing that the Probate Judge shall appoint one or more regular clerks in the probate office as deputy registrars empowered to take applications for voter registration at any time the probate office is open for business.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 897, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Johnson (Roy) (with notice and proof):

H. 898. To create and establish the Office of "Public Works Director" for Tuscaloosa County, to designate the duty of the County Commission to employ a qualified person for the position and the manner in which he shall be chosen; to fix and designate the duties, powers and authority of the said Public Works Director and fix amount of his bond, provide for the approval of the same and payment of the premiums thereon; to designate the Public Works Director, to make requisition for roads, buildings, materials, equipment and supplies necessary for construction and maintenance of all roads and streets under the authority of the County Commission; to place all Public Works activity including water systems, sanitary sewer systems, solid waste disposal, subdivision development, and public buildings which come under the authority of the County Commission as a responsibility of the Public Works Director; to establish a unit system for the construction and maintenance of County roads; to set the effective date of this Act as January 30, 1981.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 898, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Greer and Coburn:

H. 902. To repeal Act No. 247, H. 937, approved August 6, 1976, Regular Session 1976 (Acts 1976, p. 285), entitled, "An Act Relating to the

counties having a population of not less than 65,500 nor more than 75,200 inhabitants according to the most recent federal decennial census; authorizing the governing body of such counties to authorize the Sheriff of the county to employ a cook at the jail, empowering the governing body of the county to fix the compensation of such cook and providing for the payment thereof out of the general funds of the county, retroactive to January 1, 1975."

Also:

By Reps. Greer and Coburn (with notice and proof):

H. 903. Relating to Lauderdale County; authorizing the governing body of said county to authorize the Sheriff of the county to employ a cook at the jail; empowering the governing body of said county to fix the compensation of such cook and providing for the payment thereof out of the general funds of the county.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 903, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Barton (with notice and proof):

H. 908. Relating to Tuscaloosa County; providing for the use of electronic voting systems in elections; providing the requirements for these systems; providing those procedures to be used in connection with elections in which these systems are used, including additional procedures for dividing precincts and designating voting places therein; providing election officers for such polling places and prescribing duties and compensation of such election officials.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 908, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 763, 888, 755, 802, 873, 897, 898, 902, 903, and 908. To the Committee on Local Legislation No. 1.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Hilliard, Cabaniss, Horn, Howard, Payne, Nevett, Trammell, Amari, Seibels and Bennett (with notice and proof):

H. 810. To repeal Act No. 555, H. 945, 1953 Regular Session (Acts of Alabama 1953, p. 783), which relates to the flouridation of water supplies in counties having a population of 400,000 or more according to the most recent federal decennial census.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 810, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 810. To the Committee on Local Legislation No. 2.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Gafford, Amari, Bedsole, Bennett, Blake, Bowling, Brakefield, Carter, Cheatwood, Cobb, Crow, Gregg, Horn, Howard, Kennedy (Y), Laird, Langford, Lewis, McKee, Moore, Payne, Rains, Reed, Riddick, Shavers, Stout, Waggoner and Willis:

H. 580. To provide up to a 7% cost-of-living increase for all certified employees and full-time support personnel paid from state funds in the elementary-secondary schools, and the Alabama Institute for Deaf and Blind paid from state funds, and for all full-time academic instructional personnel in the Department of Youth Services paid from state funds, for full-time instructional staff for junior, technical, and community colleges paid from state funds, and to identify the funds from which said cost-of-living increase shall be paid and to provide a procedure for determining availability and paying out of such funds. Also additional funds to Athens State College and the universities.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 580. To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Barton (with notice and proof):

H. 911. Relating to Tuscaloosa County; to allow churches and non-profit organizations to hold bingo games.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 911, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Willis (with notice and proof):

H. 921. To amend Section 3 of Act No. 2182, H. 2753 of the Regular Session of 1971, (Acts 1971, p. 3489), relating to the civil service system of the City of Jacksonville, so as to provide a further exemption from the civil service provisions for any city librarian.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 921, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Warren (with notice and proof):

H. 925. Relating to Monroe County; to amend Act No. 1823, H. 2473, 1971 Regular Session (Acts of 1971, p. 2991), so as to increase the coroner expense account.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 925, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Carothers:

H. 846. To authorize each county in Alabama to issue and sell, for the purpose of financing the costs of erecting necessary public buildings, bridges and roads or for refunding purposes, interest-bearing tax anticipation warrants payable solely out of the special road, bridge and public building tax authorized to be levied by counties under § 215 of the Constitution of Alabama (as amended), to authorize the county commission of the issuing county (subject to certain specified conditions) to fix the terms and conditions on which such warrants may be issued and sold, to provide that such warrants shall not be subject to the laws of the state relating to usury or limiting interest rates, that the provisions of § 11-8-10 of the Code of Alabama 1975, as amended, shall not apply to any such warrants and that such warrants may be issued without an election.

Also:

By Reps. Hilliard, Cabaniss, Horn, Howard, Payne, Nevett, Trammell, Amari, Seibels and Bennett (with notice and proof):

H. 809. To repeal Act No. 821, H. 1266, 1965 Regular Session (Acts of Alabama 1965, p. 1534), as amended by Act No. 1030, H. 822, 1969 Regular Session (Acts of Alabama 1969, p. 1907), and to repeal said Act No. 1030, 1969 Regular Session, both of which relate to the flouridation of water supplies in counties having a population of 600,000 or more according to the most recent federal decennial census.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 809, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 911, 921, and 925. To the Committee on Local Legislation No. 1.

H. B. 846. To the Committee on Finance and Taxation.

H. B. 809. To the Committee on Local Legislation No. 2.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Parker and McMillan:

H. 451. To amend Section 9-17-13, Code of Ala. 1975, so as to more clearly provide for the integration or pooling and for the unitization of other interests included in tracts of land with regard to oil and gas drilling units and oil and gas pools.

Also:

By Reps. Parker and McMillan:

H. 452. To amend Section 9-17-83, Subsection (3), (4), (5), and (7), Code of Ala. 1975, so as to more clearly render said subsections to include other "interests" within "tracts" in unitization orders.

Also:

By Reps. Parker and McMillan:

H. 454. To amend Section 9-17-1, Subsection (3), Code of Ala. 1975, so as to provide for a redefi,ition of the word "oil" with reference to pool rather than well.

Also:

By Rep. Waggoner:

H. 708. To alter the boundary line between Shelby and Jefferson Counties.

Also:

By Reps. Carter, Gafford, Roberts and Letson:

H. 294. To amend Section 2, Subsection III (a) (9) (c) of Act No. 597, H. 244 of the 1978 Regular Session, which act makes appropriations from various funds of the State for the ordinary expenses of the executive, legislative and judicial functions of government for the fiscal year ending September 30, 1979, so as to increase the A. B. C. Board appropriation in the Administrative Services Program by $1,000,000.

Also:

By Rep. Owens:

H. 609. To relieve the State of Alabama Personnel Director of the duty of publishing the names and addresses of state employees, as is required by Sec. 36-26-8(b) (14), Code of Alabama, 1975.

Also:

By Rep. Owens:

H. 831. To establish a Capitol Complex Maintenance and Repair Fund and to authorize the Department of Finance to charge rent on state buildings and to appropriate same.

Also:

By Reps. Carter, Kelley, Roberts, Patton and Letson:

H. 296. To regulate further the hunting of migratory waterfowl; to provide for the issuance of migratory waterfowl stamps and for the collection of fees therefor; to provide for the procurement, development, restoration, maintenance, or preservation of wetlands for waterfowl habitat and for public waterfowl hunting areas; and to require the state department of conservation and natural resources to carry out the provisions of this act.

Also:

By Rep. McKee:

H. 4. To amend Section 40-23-4 of the Code of Alabama 1975, as amended, so as to exempt the gross receipts of sales for state nurseries of forest tree seed and seedlings; in addition to forest tree seed and seedlings grown for commercial timber and game food purposes, Lespedeza bicolor and other species of perennial plant seed and seedlings grown and produced for outplanting as a source of game food are also exempted from taxation of the gross receipts from sales thereof.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 451, 452, and 454. To the Committee on Commerce, Transportation and Utilities.

H. B. 708. To the Committee on Governmental Affairs.

H. B.'s 294, 831, and 4. To the Committee on Finance and Taxation.

H. B. 609. To the Committee on Judiciary.

H. B. 296. To the Committee on Agriculture, Conservation, and Forestry.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Parker and McMillan:

H. 453. To amend further Section 9-17-12, Code of Ala. 1975, so as to allow spacing in the case of irregular sections which exceed 640 acres and so as to allow the Board to designate drilling or production units of up to 160 acres or one governmental quarter section in the case of oil and 640 acres or one governmental section in the case of gas plus 10 percent tolerance so as to allow for irregular sections and to exceed these limitations, after notice and hearing, when it is affirmatively demonstrated that one well can drain the proposed unit and that a larger unit is justified because of technical, economic, environmental, or safety considerations, or other reasons deemed valid by the Board, and to further allow the Board, after notice and hearing, to establish units in oil and gas pools not to exceed 30 percent greater than 160 acres or one governmental quarter section in the case of oil and 640 acres or one governmental section in the case of gas, provided such action is justified by sufficient technical data indicating that such acreage or lands in excess of the aforesaid limitations is being drained or is in imminent danger of being drained and that the owners of interests in such said excess acreage or land cannot otherwise receive their just and equitable share of production from the pool, providing for the payment or recoupment of drilling and production costs; and excluding any spacing limitation with regard to offshore wells, except as may be established by said Board.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 453. To the Committee on Commerce, Transportation, and Utilities.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Zoghby (M), Kennedy (Y), Ward, Smith (M), Smith (J), Kennedy (C), Bedsole, Parker, Bennett, McMillan, and Amari:

H. J. R. 267. REQUESTING RESEARCH AND ANALYSIS, BY THE ALABAMA LAW INSTITUTE, OF THE PROBLEM OF FAMILY ABUSE AND VIOLENCE IN THE STATE OF ALABAMA.

WHEREAS, there is convincing evidence of serious increases of traumatic, often tragic, incidences of violence and abuse in families of our nation, including some within the borders of our state; and

WHEREAS, the causes of and remedies for physical and mental abuse of children, spouses, and older dependent adults are complex and often difficult to identify or eliminate; and

WHEREAS, it is the responsibility of the State to provide, through appropriate statutes and public agencies, for the protection of its citizenry, whether children or adults, from physical and emotional violence, whether inflicted from within the family or without; and

WHEREAS, it is the desire of this legislature to review the adequacy of present statutes concerning family violence and abuse; and

WHEREAS, the Alabama Law Institute is the official advisory law revision and law reform agency of the State of Alabama and functions as the legal research service for the Alabama Legislature; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Law Institute is hereby requested to conduct research and analysis of the problem of family abuse and violence in the State of Alabama, the adequacy of all statutes and public services related thereto, including court procedures and jurisdictions, statutory relations between official state agencies and volunteer community services, and any other appropriate resources.

BE IT FURTHER RESOLVED, That the Alabama Law Institute report the results of this research and analysis, together with any proposed legislation, within two weeks after the convening of the next regular session of the Alabama Legislature.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Callahan, the Rules were suspended and the Resolution, H. J. R. 267, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Riddick, Hall, Albright, and Smith (M):

H. J. R. 262. COMMENDING THE MEMBERS OF THE MADISON COUNTY ELECTED OFFICIALS SALARY COMMISSION.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. McDonald, the Rules were suspended and the Resolution, H. J. R. 262, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the State Personnel Board.

Respectfully submitted,

JAMES E. FOY,
Executive Secretary.

Done this 10 day of July, 1979.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Mrs. Halycon Vance Ballard, Leeds, Alabama, as a member of the State Personnel Board for the term ending March 2, 1983.

Resepctfully,

FOB JAMES,
Governor.

Done this 10 day of July, 1979.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the State Personnel Board, was read and referred to the Standing Committee on Rules.

RESOLUTION

Messrs. Goodwin, Bailey, Barron, Britnell, Callahan, Clemon, Cook, deGraffenried, Denton, Figures, Glass, Gulledge, Hall, Harrison, Higginbotham, Holmes, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague, Vacca, Weeks and White offered the following Senate Joint Resolution, to-wit:

S. J. R. 131. INVITING MEMBERS OF THE LEGISLATURE TO THE CEREMONY TO UNVEIL THE PORTRAIT OF THE LATE SENATOR WALTER C. GIVHAN.

WHEREAS, Walter C. Givhan served the 14th District in the Senate longer than any previous member of either House, earning the affectionate nickname of "Dean of the Senate"; and

WHEREAS, he was considered the champion of agricultural interests in the state, and sponsored much progressive legislation from which Alabama farmers are grateful; and

WHEREAS, Senator Givhan died on February 18, 1976, at the age of 74, after having served for sixteen years in the House of Representatives and twenty-one years in the Senate, leaving behind a host of friends in the Capitol complex; and

WHEREAS, his portrait has been painted by John Owens and is being donated to the Capitol by friends of Senator Givhan; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the ceremony to unveil the portrait of the late Senator Walter C. Givhan be held in the House Chamber of the Capitol on July 17, 1979, at 2:30 p.m., to honor the memory of a great man, the portrait to be hung in the second floor Rotunda.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to his widow, Mrs. Geneva Y. Givhan, and to his two sons, Walter and Samuel, that they may know of our high regard for the "Dean of the Senate."

On motion of Mr. Goodwin, the Rules were suspended and the Resolution was adopted by the Senate.

MOTIONS IN WRITING

Mr. Keener offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 513, on page 70 of the 24th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 513, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. Harrison offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 435, on page 54 of the 24th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 435, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. Gulledge offered the following Motion in Writing, to-wit:

I move that the Bill, H. B. 267, on page 56 of the 24th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, H. B. 267, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. Gulledge offered the following Motion in Writing, to-wit:

I move that the Bill, H. B. 266, on page 56 of the 24th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, H. B. 266, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. Gulledge offered the following Motion in Writing, to-wit:

I move that the Bill, H. B. 263, on page 55 of the 24th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, H. B. 263, referred to the Standing Committee on Rules for placement on the Consent Calendar.

RESOLUTION

Mr. Goodwin offered the following Senate Joint Resolution, to-wit:

S. J. R. 132. URGING THE ALABAMA HIGH SCHOOL ATHLETIC ASSOCIATION TO RESCIND ELIGIBILITY RULES WHICH PROHIBIT ATHLETES FROM COMPETING IN EVENTS OUTSIDE AHSAA SANCTION.

WHEREAS, as presently written and enforced, eligibility rules of the Alabama High School Athletic Association prohibit athletes from participating in events outside normal AHSAA sanctions, namely individual sports such as golf, tennis and swimming, with the result that numerous high school athletes are ruled ineligible for tournament play in these sports for the dubious crime of having competed as individuals in outside competition; and

WHEREAS, under such preposterous and absurd regulations, ill adapted to present day use, our state's young athletes are severely hampered, even denied pursuit of collegiate and professional careers through a drastic restriction in their experience of playing the best competition available; and

WHEREAS, on occasions when top players are disqualified from state tournament competition, not only the individuals in question, but the entire school team as well, suffer from punitive rules which must be eliminated or tempered in severity so as to encourage our state youths' love of sports and to strengthen the interscholastic sports program in Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we call upon the Alabama High School Athletic Association to immediately initiate a review of its eligibility rules so as to remove restrictions which bar young high school athletes in the named sports from participating as individuals in outside events during the school sports season; ineligibility should be based upon a player's age and academics, residency and acceptance of money or other remuneration.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the president and other officers of the Alabama High School Athletic Association, to the members of the Central Board of Control and to the Association's Legislative Council that they may be aware of this body's opposition to punitive restriction on the young athletes in our state.

On motion of Mr. Goodwin, the Rules were suspended and the Resolution was adopted by the Senate.

MOTIONS IN WRITING

Mr. Figures offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 480, on page 58 of the 24th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 480, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. McDonald offered the following Motion in Writing, to-wit:

I move that the Bill, H. B. 455, on page 61 of the 24th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, H. B. 455, referred to the Standing Committee on Rules for placement on the Consent Calendar.

RESOLUTION

Messrs. Callahan, Martin, Glass, and Gulledge offered the following Senate Joint Resolution, to-wit:

SENATE JOINT RESOLUTION 133

Naming the new baseball field at the University of South Alabama in honor of Coach Edward Raymond Stankey.

WHEREAS, Coach Stankey has given eleven years service to the University of South Alabama as coach of the Jaguars Baseball Team, and

WHEREAS, Coach Stankey has led the Jaguars to a winning season each of those eleven years, and

WHEREAS, Coach Stankey's record with the Jaguars Baseball Team is a total of 376 wins and only 129 losses, and

WHEREAS, the Jaguars under Coach Stankey have participated in the National Collegiate Athletic Association Play-offs four times, in 1972, 1973, 1975, and 1977, and

WHEREAS, Coach Stankey is also a veteran of eighteen years in professional baseball, as both a player and a manager, and

WHEREAS, Coach Stankey holds several National League records and participated in the 1947 All-Star game, and

WHEREAS, Coach Stankey participated in three World Series, with Brooklyn in 1947, with Boston in 1948, and with New York in 1951.

NOW THEREFORE BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, both Houses concurring in recognition of Coach Stankey's outstanding achievements, service and dedication to the University of South Alabama and to the Jaguars Baseball Team, that the new baseball field at the University of South Alabama shall hereafter be known as Eddie Stankey Field.

BE IT FURTHER RESOLVED, that a copy of this resolution be provided to Coach Edward Raymond Stankey.

On motion of Mr. Callahan, the Rules were suspended and the Resolution was adopted by the Senate.

MOTIONS IN WRITING

Mr. Little offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 395, on page 47 of the 24th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 395, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. Britnell offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 467, on page 71 of the 24th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 467, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. Little was granted permission to suspend the Rules in order to offer the following Motion in Writing, to-wit:

I move that the BIll, S. B. 90, on page 26 of the 24th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 90, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. deGraffenried offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 499, on page 61 of the 24th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 499, referred to the Standing Committee on Rules for placement on the Consent Calendar.

LOCAL BILLS ON THIRD READING

The Bill:

H. 687. To alter, rearrange and extend the boundaries and corporate limits of the City of Florence so as to annex certain adjacent territory to the

City of Florence; to require that the provisions hereof shall become effective immediately, and only upon approval of the electors of the County residing within the territory proposed to be annexed voting by four separate areas as hereinafter provided; and if the electors residing in any one of the said four areas proposed to be annexed voted in favor of annexation, then such area shall be annexed, and if any one of the said four areas proposed to be annexed vote against such annexation, then such area shall not be annexed; and to require the Judge of Probate of Lauderdale County, Alabama to conduct the election after due notice thereof as herein provided.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Little	Smith	
Bailey	Glass	Martin	Taylor	
Barron	Gulledge	Miller	Teague	
Britnell	Hall	Mitchem	Vacca	
Callahan	Holmes	Parsons	Weeks	
Clemon	Keener	Proctor	White	
Cook	Kirkland			—25

Nays: —0

The BIll:

H. 46. To repeal Act No. 786, H. 60, 1975 Regular Session (Acts of Alabama 1975, p. 1572), entitled, "An Act Relating to counties having populations of 600,000 or more according to the most recent federal decennial census; to regulate further the taking of fish from public streams and impounded waters in such counties except in municipal parks; authorizing the taking of non-game fish by the use of wire mesh baskets, on which a privilege license tax has been paid; prohibiting the sale of fish so taken; prescribing penalties for violation of this act."

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Glass	Martin	Smith	
Barron	Goodwin	Miller	Taylor	
Britnell	Gulledge	Mitchem	Teague	
Clemon	Hall	Parsons	Vacca	
Cook	Holmes	Pearson	Weeks	
Denton	Keener	Proctor	White	
Figures	Little			—25

Nays: —0

The Bill:

H. 531. Relating to Mobile County; to amend further Section 1 of Act No. 111, H. 419, Regular Session 1955 (Acts 1955, p. 356), which relates to the salary of the tax collector, so as to provide further for such salary.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Little	Smith	
Barron	Glass	Martin	Taylor	
Britnell	Gulledge	Miller	Teague	
Callahan	Hall	Mitchem	Vacca	
Clemon	Holmes	Parsons	Weeks	
Cook	Keener	Proctor	White	
Denton	Kirkland			—25
Nays:				—0

The BIll:

H. 532. Relating to Mobile County; to amend Section 1 of Act No. 767, H. 411, Regular Session 1973 (Acts 1973, p. 1175), which relates to the salary of the tax assessor, so as to provide further for such salary.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Little	Smith	
Barron	Glass	Martin	Taylor	
Britnell	Gulledge	Miller	Teague	
Callahan	Hall	Mitchem	Vacca	
Clemon	Holmes	Parsons	Weeks	
Cook	Keener	Proctor	White	
Denton	Kirkland			—25
Nays:				—0

The Bill:

H. 741. To direct the cancellation of promissory notes held by the Board of School Commissioners of Mobile County, Alabama executed by the S. D. Bishop Junior College in consideration of a transfer of land.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Glass	Little	Smith	
Bailey	Gulledge	Martin	Taylor	
Callahan	Hall	Miller	Teague	
Clemon	Harrison	Mitchem	Vacca	
Cook	Holmes	Proctor	Weeks	
Denton	Keener	St. John	White	
Figures	Kirkland			—25
Nays:				—0

The Bill:

S. 571. Relating to Autauga County; authorizing the county commission to levy a special county privilege license and excise tax paralleling the state sales and use taxes provided for in Chapter 23 of Title 40 of the Code of

Alabama 1975, as amended; providing for the collection and enforcement of such taxes by the State Department of Revenue; providing for the distribution and use of the proceeds; and providing penalties for violations of this Act.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Martin	Smith	
Bailey	Glass	Miller	Taylor	
Barron	Goodwin	Mitchem	Teague	
Britnell	Hall	Parsons	Vacca	
Clemon	Holmes	Pearson	Weeks	
Cook	Keener	Proctor	White	
Denton	Little			—25

Nays: —0

The Bill:

S. 576. Relating to Bullock County; to provide for the employment of clerks, secretaries and clerical assistants to perform duties in the County offices located in the County Courthouse and to provide for the employment of jailers for the county jail; and to provide for the salaries of all such employees.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Keener	Pearson	
Bailey	Figures	Kirkland	Proctor	
Barron	Glass	Little	Smith	
Britnell	Goodwin	Martin	Taylor	
Callahan	Gulledge	Miller	Teague	
Clemon	Hall	Parsons	Weeks	
Cook	Holmes			—25

Nays: —0

The Bill:

S. 569. Relating to Monroe County; providing for an increase in the compensation of the members of the board of equalization, and further providing for an additional travel allowance for the board; providing that this Act shall become effective October 1, 1979.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following substitute for the Bill, S. B. 569, to-wit:

COMMITTEE SUBSTITUTE FOR S. B. 569

A BILL
TO BE ENTITLED
AN ACT

Relating to Monroe County; providing for an increase in the compensation of the members of the board of equalization, and further providing for an additional travel allowance for the baord.

Be It Enacted by the Legislature of Alabama:

Section 1. The chairman and each member of the board of equalization of Monroe County shall be entitled to an additional $15.00 per day for each day's service as provided by law. Said compensation shall be payable from any funds of the county general fund not previously appropriated.

Section 2. The board of equalization is further entitled to receive an additional travel allowance of up to $250.00 per year. Said allowance shall be paid periodically during the year as the Monroe County Commission shall designate.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Martin	Smith	
Bailey	Glass	Miller	Taylor	
Barron	Hall	Mitchem	Teague	
Britnell	Harrison	Parsons	Vacca	
Clemon	Holmes	Pearson	Weeks	
Cook	Kirkland	Proctor	White	
Denton	Little			—25

Nays: —0

And said Bill, S. B. 569, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Martin	Smith	
Bailey	Glass	Miller	Taylor	
Barron	Hall	Mitchem	Teague	
Britnell	Harrison	Parsons	Vacca	
Clemon	Holmes	Pearson	Weeks	
Cook	Kirkland	Proctor	White	
Denton	Little			—25

Nays: —0

The Bill:

H. 238. Relating to Tuscaloosa County; to provide for the imposing, levying and collecting of an additional tax of four percent on the charge for lodging, room and personal property rental, services and accommodations furnished to transient occupants for a consideration by any hotel, motel, inn, tourist camp or tourist cabin in Tuscaloosa County; and to prescribe penalties for violations.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Martin	Smith	
Bailey	Glass	Miller	Taylor	
Barron	Hall	Mitchem	Teague	
Britnell	Holmes	Parsons	Vacca	
Callahan	Keener	Pearson	Weeks	
Cook	Kirkland	Robertson	White	
deGraffenried	Little			—25

Nays: —0

MOTIONS IN WRITING

Mr. Mitchem offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 485, on page 69 of the 24th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 485, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. White offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 572, on page 86 of the 24th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 572, referred to the Standing Committee on Rules for placement on the Consent Calendar.

REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 36. REJECTING THE REPORT OF THE JUDICIAL COMPENSATION COMMISSION.

Mr. St. John moved that further consideration of S. J. R. 36, be postponed until the next Legislative Day.

Mr. McDonald moved that the motion to postpone be laid on the table, which motion was lost.

Yeas 12; Nays 16.

Yeas:

Messrs.:	Hall	McDonald	Smith
Bailey	Holmes	Mitchem	Taylor
Britnell	Lemaster	Robertson	Teague
Denton			—12

Nays:

Messrs.:	Keener	Miller	St. John
Callahan	Kirkland	Parsons	Vacca
Cook	Little	Pearson	Weeks
deGraffenried	Martin	Proctor	White
Harrison			—16

The question then recurred on the motion of Mr. St. John, which was adopted, and further consideration of the Resolution, S. J. R. 36, was postponed until the next Legislative Day.

RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 134. RESOLVED BY THE SENATE That the following business in the order named be special and paramount order of business upon reaching bills on 3rd reading for the 24th Legislative Day:

Bill No.	Page No.	Description
S. B. 321	57	Parking lot owners, traf. cont. req.
S. B. 477	78	Motor vehicles
S. B. 400	40	Real est. brokers, cont. ed.
S. B. 87	43	Guaranteed min. starting wage, law off.
S. B. 114	90	Supernumerary sheriffs
S. B. 395	47	Adoptions
S. B. 242	52	Primary Elections
S. B. 33	4	Cancelling share of a corp., procedure
S. B. 20	3	Reg. of sale of cert. sch. courses
S. B. 295	8	Approp Talladega Coll.
S. B. 296	7	Approp. Tuskegee Inst.
S. B. 297	8	Approp. Marion Military Inst.
S. B. 298	9	Approp., Walker Co. Jr. College
S. B. 299	9	Approp. Lyman Ward Mil. Acad.
S. B. 190	34	Cleburne, cap. outlay cond. approp.
S. B. 185	67	Elections off., comp.
S. B. 150	30	Cert. probate judges, min. sal.

S. B. 354	39	Fire Fighters' pers. standards & ed. comm.
S. B. 382	87	Program of abandoned min. reclamation
S. B. 512	76	Non-profit corp. Act amended
S. B. 178	22	Forest law. enf. off. auth.
S. B. 245	10	St. Forestry Comm., LEO, certain powers
S. B. 358	45	St. Bd. of Social Work Exam. prop.
S. B. 193	48	Chief Exam. of pub. accts & asst. salary
S. B. 340	49	Solar Energy, Inc. tax credit
S. B. 368	33	School bldg. const. retainage
S. B. 27	5	Trucks w/cert. rd. bldg. mat. exempt from PSC reg.
S. B. 338	25	Oil redefined
S. B. 485	69	Add. req. upon livestock markets
S. B. 486	69	Liab. on Livestock dealers
H. B. 157	37	Real Estate
H. B. 103	47	Volunteer fire depts.
S. B. 397	55	Interstate compact on placement of children

And said Resolution was then adopted by the Senate.

MOTION IN WRITING

Mr. Little was granted permission to suspend the Rules in order to offer the following Motion in Writing, to-wit:

I move that the Bill, S. B. 501, on page 78 of the 24th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 501, referred to the Standing Committee on Rules for placement on the Consent Calendar.

REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointments of Dr. Jerry N. Gurley, Mr. William D. Smith, Mrs. Janice Hawkins, and Mrs. Peggy Crocker Estes to the Board of Trustees of the Alabama Institute for the Deaf and Blind.

On motion of Mr. McDonald, the appointment of Dr. Gurley was confirmed by the Senate.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Goodwin	Lemaster	Robertson
Bailey	Gulledge	Little	Taylor
Callahan	Harrison	McDonald	Teague
Cook	Holmes	Mitchem	Vacca
deGraffenried	Keener	Parsons	Weeks
Denton	Kirkland	Proctor	White
Glass			

—24

Nays: —0

On motion of Mr. McDonald, the appointment of Mr. Smith was confirmed by the Senate.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Goodwin	Lemaster	Robertson
Bailey	Gulledge	Littel	Taylor
Callahan	Harrison	McDonald	Teague
Cook	Holmes	Mitchem	Vacca
deGraffenried	Keener	Parsons	Weeks
Denton	Kirkland	Proctor	White
Glass			

—24

Nays: —0

On motion of Mr. McDonald, the appointment of Mrs. Hawkins was confirmed by the Senate.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Goodwin	Lemaster	Robertson
Bailey	Gulledge	Little	Taylor
Callahan	Harrison	McDonald	Teague
Cook	Holmes	Mitchem	Vacca
deGraffenried	Keener	Parsons	Weeks
Denton	Kirkland	Proctor	White
Glass			

—24

Nays: —0

On motion of Mr. McDonald, the appointment of Mrs. Estes was confirmed by the Senate.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Goodwin	Lemaster	Robertson
Bailey	Gulledge	Little	Taylor
Callahan	Harrison	McDonald	Teague
Cook	Holmes	Mitchem	Vacca
deGraffenried	Keener	Parsons	Weeks
Denton	Kirkland	Proctor	White
Glass			

—24

Nays: —0

MOTION IN WRITING

Mr. Harrison offered the following Motion in Writing, to-wit:

I move that the Bill, H. B. 314, on page 82 of the 24th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill,H. B. 314, referred to the Standing Committee on Rules for placement on the Consent Calendar.

REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Joe Edward Basenberg to the Board of Trustees of the Alabama Institute for the Deaf and Blind.

On motion of Mr. McDonald, the appointment of Mr. Basenberg was confirmed by the Senate.

Yeas 26; Nays 0.

Yeas:

Messrs.:	Glass	Little	Smith	
Bailey	Goodwin	McDonald	Taylor	
Callahan	Gulledge	Miller	Teague	
Clemon	Harrison	Parsons	Vacca	
Cook	Holmes	Proctor	Weeks	
deGraffenried	Keener	Robertson	White	
Figures	Kirkland	St. John		—26

Nays: —0

MOTION IN WRITING

Mr. Proctor offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 185, on page 67 of the 24th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 185, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. Proctor offered the following Motion in Writing, to-wit:

I move that the Bill, H. B. 103, on page 47 of the 24th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, H. B. 103, referred to the Standing Committee on Rules for placement on the Consent Calendar.

CONSENT CALENDAR
BILLS ON THIRD READING RESUMED

The Bill:

S. 230. To amend Section 40-12-10, Code of Alabama 1975, to provide for the appointment of the License Inspector in each county by the County Commission, to provide for the duties of the License Inspector, to provide for collection of penalties and citation fees on delinquent licenses and distribution of such penalties and citation fees to the County General Fund, to provide for the appointment of Deputies to the License Inspector and to provide for the salary of the License Inspector and his Deputies and expenses of his office to be paid by the County Commission.

was again taken up.

Mr. Lemaster was granted permission to suspend the Rules in order to offer the following substitute for the Bill, S. B. 230, to-wit:

SUBSTITUTE FOR S. B. 230

A BILL
TO BE ENTITLED
AN ACT

To amend Section 40-12-10, Code of Alabama 1975, to provide for the appointment of the License Inspector in each county by the County Commission, to provide for the duties of the License Inspector, to provide for collection of penalties and citation fees on delinquent licenses and distribution of such penalties and citation fees to the County General Fund, to provide for the appointment of Deputies to the License Inspector and to provide for the salary of the License Inspector and his Deputies and expenses of his office to be paid by the County Commission.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 40-12-10, Code of Alabama 1975, is hereby amended to read as follows:

"(a) The department of revenue county commission of each county is hereby authorized and empowered to appoint a license inspector for each county, provided, that the same person may be appointed for more than one county, except as otherwise provided by law. Said license inspector shall be a capable county employee qualified to perform the duties of the license inspector.

"(b) It shall be the duty of the license inspector to scrutinize the records and stubs kept in the office of the probate judge and also to examine the license records of each city or town located in the county or counties of which he has been appointed license inspector; and, if it shall be reported to any license inspector or come to his knowledge that any person, persons, firms or corporations have failed or refused to take out a license for a business or occupation for which a license is required by the state or have failed or refused to take out a license for operating any motor vehicle or trailer for which a license is required by law, the license inspector shall thereupon cite such delinquent to appear before the license inspector at the courthouse of the county in which such citation is issued and to show cause why the license or privilege tax required by law has not been paid and, at the same time, shall file with the probate judge of the county a copy of such citation showing service on the delinquent.

"(c) If the license inspector shall discover any motor vehicle being operated without a proper or legal license, he shall cite the operator of the motor vehicle, and, in filing copy of such citation with the probate judge, he shall show on such citation the particular motor vehicle operated without legal license, as well as the operator thereof.

"(d) The probate judge must in all cases, in addition to the other penalties required to be collected by him, collect the citation fee, if any, due the license inspector before issuing any license; and, in case of a motor vehicle where a license is taken out in the name of person not cited, the citation fee shall be collected if the citation filed shows the motor number of such vehicle. When any license is due the license inspector shall cause the delinquent to appear before the probate judge of the county and take out the same, but such probate judge shall not have the authority to determine the liability of such delinquent for such license and shall in each case issue a license to the applicant upon the payment by him of the amount or amounts prescribed by this title. If such delinquent shall fail or refuse to take out a license, the license inspector shall institute or cause to be instituted criminal proceedings against such delinquent before any court having jurisdiction of such offense. In case of emergency the license inspector must commence the criminal proceedings in the first place.

"(e) All license taxes levied by this title, except as otherwise provided, shall be due and payable as of October 1 of each year and shall be delinquent November 1 thereafter. Where any license issuable by the probate judge or commissioner of licenses shall be delinquent, the same shall be subject to a penalty of 15 percent of the amount of the license, which penalty must be collected by the probate judge or commissioner of licenses when the license is taken out together with interest at six percent from the date of delinquency; provided, that the penalty for delinquency in payment of motor vehicle licenses shall in no case be less than $1.50.

"(f) It shall be unlawful for any probate judge or other officer to fail to collect such penalties when issuing such license.

"(g) The probate judge, in remitting such penalties, shall file report with the county commission, comptroller and with the department of revenue showing the amount of such penalties collected, from whom, and for what collected, the amounts paid to the license inspector and the amount remitted, provided, that in counties where the license inspector is payable on a salary basis, all fees and penalties shall be paid into the treasury, except as otherwise provided by law, and he shall remit to the county general fund all penalties collected. He shall also remit to the county general fund all citation fees collected where the citation was served by the license inspector or his deputy.

"(h) If a criminal prosecution shall be commenced either by affidavit and warrant, or information or indictment, the license inspector shall be paid 15 percent of the fine or penalty thereafter imposed in the case, all costs and penalties to be paid in money. The residue shall be paid, two thirds into the treasury and one third to the county., forty-four percent of the fine or penalty thereafter imposed in the case shall be paid to the county general fund. The remainder shall be paid to the treasury of the state.

"(i) License inspectors are authorized to appoint deputies, The county commission may appoint deputy license inspectors, and the acts of such deputies shall be recognized as their the acts of the license inspector and they shall be responsible for the same. Such deputies shall receive no compensation for their services out of the state or county revenue, except in cases as

otherwise provided in this title. Said deputy license inspectors shall be capable county employees qualified to perform the duties of a deputy license inspector.

"(j) All citations to delinquents shall be served by any lawful officer or by the license inspector or his deputy, who shall be allowed as a fee $1.50 for each citation served, to be taxed against the delinquent.

"(k) License inspectors shall have the same power to arrest persons violating the revenue laws of the state as is now vested in the sheriffs of the state and shall receive the same fees for such service.

"(l) The department of revenue shall keep a record by counties in which, each month, shall be entered the number of licenses issued by the probate judge for each and every business or occupation for which a state license tax is required, and such record may be compared each month with the number of licenses issued by cities and towns for the same business or occupation.

"(m) The license inspector shall be required to report to the department of revenue the reason for the failure to collect any licenses due the state which may be evidenced by the comparison of the report of the probate judge and the report made of licenses issued by cities or towns.

"(n) It shall be the duty of the county commissions of the several counties to supply the license inspector with necessary citation blanks and other necessary forms to be paid for by the county.

"(o) The salary of such license inspector and the expenses of his office shall be paid by warrant of the comptroller upon sworn itemized account filed monthly by such license inspector and approved by the department of revenue, except as otherwise provided by law.

"(o) The county commission shall fix and pay the salary of the license inspector and his deputies and the expenses of his office.

"(p) Any individual holding the office of license inspector on the effective date of this act shall not be removed from such office by the county commission until 3 years after the effective date of this act."

"(q) The provisions of this bill shall not affect any local law or general law of local application establishing the office of license commissioner in any county."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 22; Nays 3.

Abstaining 1.

Yeas:

Messrs.:	Figures	Kirkland	Mitchem	
Barron	Goodwin	Lemaster	Proctor	
Callahan	Gulledge	Little	Robertson	
Cook	Hall	Martin	Taylor	
deGraffenried	Holmes	McDonald	Vacca	
Denton	Keener	Miller		—22

Nays: Messrs.: Glass, Harrison, White. —3

Abstaining: Mr. Parsons. —1

And said Bill, S. B. 230, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 14; Nays 11.

Yeas:

Messrs.:	Hall	Little	Robertson	
Barron	Holmes	Martin	Taylor	
Denton	Keener	Miller	Vacca	
Gulledge	Lemaster	Proctor		—14

Nays:

Messrs.:	deGraffenried	Harrison	Parsons	
Callahan	Glass	Kirkland	St. John	
Cook	Goodwin	Mitchem	White	
				—11

Mr. Lemaster moved that the Senate reconsider the vote by which the Bill, S. B. 230, as amended, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

The Bill:

H. 605. To authorize, provide for the licensing of, and to regulate the operation of and hunting on privately owned hunting preserves stocked by artificially propagated or "pen-raised" upland birds; to prescribe the fees for such licenses; to provide for their collection and distribution; to provide that the licensee shall be an agent vendor of hunting licenses; and to prescribe penalties for violation of this act.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Glass	Kirkland	Proctor	
Barron	Goodwin	Little	Robertson	
Britnell	Gulledge	Martin	Smith	
Callahan	Hall	Miller	Taylor	
deGraffenried	Harrison	Mitchem	Vacca	
Denton	Holmes	Parsons	Weeks	
Figures	Keener			—25
Nays:				—0

The Bill:

H. 146. To amend section 32-9-25 of the Code of Alabama 1975 relating to the length of trucks, trailers and semitrailers used on the highways of Alabama so as to allow livestock trucks to measure up to 65 feet in length.

was read a third time at length and passed.

Yeas 27; Nays 0.

Yeas:

Messrs.:	Figures	Keener	Robertson
Barron	Glass	Kirkland	St. John
Britnell	Goodwin	Little	Smith
Callahan	Gulledge	Martin	Taylor
Clemon	Hall	Miller	Vacca
deGraffenried	Harrison	Mitchem	Weeks
Denton	Holmes	Parsons	White

—27

Nays: —0

The Bill:

H. 137. To amend Section 34-23-8 of the Code of Alabama 1975, to allow pharmacists to dispense lower cost generically equivalent drugs in lieu of prescribed brand name legend drugs under certain circumstances; and to prescribe penalties for violation.

was read a third time at length and passed.

Yeas 29; Nays 0.

Yeas:

Messrs.:	Glass	Lemaster	Robertson
Barron	Goodwin	Little	St. John
Britnell	Gulledge	Martin	Smith
Callahan	Hall	Miller	Taylor
Clemon	Harrison	Mitchem	Vacca
deGraffenried	Holmes	Parsons	Weeks
Denton	Keener	Proctor	White
Figures	Kirkland		

—29

Nays: —0

UNFINISHED BUSINESS

The Senate proceeded to consideration of the Unfinished Business for today, the first item of which was the Bill:

S. 468. To amend section 6-2-30 of the Code of Alabama 1975, which relates to the commencement of civil actions, so as to specify the date on which the elements of a civil action for injury to the person or rights of another shall first be deemed to accrue.

On motion of Mr. Keener, further consideration of the Bill, S. B. 468, was postponed until the next Legislative Day as Unfinished Business.

MOTIONS IN WRITING

Mr. Kirkland offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 121, on page 65 of the 24th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 121, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. Kirkland offered the following Motion in Writing, to-wit:

I move that the Bill, H. B. 292, on page 48 of the 24th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, H. B. 292, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. Kirkland offered the following Motion in Writing, to-wit:

I move that the Bill, H. B. 235, on page 54 of the 24th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, H. B. 235, referred to the Standing Committee on Rules for placement on the Consent Calendar.

UNFINISHED BUSINESS

BILLS ON THIRD READING RESUMED

The Senate then proceeded to consideration of the second item of Unfinished Business for today, which was the Bill:

S. 349. To permit corporations to give, pay, expend or contribute money, or services or anything of value for the purposes of establishing, administering or soliciting voluntary contributions to a separate, segregated fund to be utilized for political purposes including aiding or promoting the nomination or election of any person who is or becomes a candidate for political or party office and aiding or promoting the interest and success, or defeat of any political party or proposition; to regulate the solicitation of contributions to such separate, segregated funds; and to amend Title 17, Section 17-22-3, entitled "Corrupt practices enumerated generally" and Title 10, Section 10-2-168, entitled "Giving aid or contributions to political parties or candidates, etc.", Code of Alabama (1975) to provide that it shall not be unlawful for any corporation to expend or contribute money or services or anything of value for the purposes of establishing, administering, or soliciting voluntary contributions to a separate, segregated fund established and administered pursuant to the provisions of this act.

and pending substitute, which said substitute is set out in the Journal of the Senate for the Twenty-Third Legislative Day.

Mr. Little offered the following amendment to the substitute for the Bill, S. B. 349, to-wit:

AMENDMENT TO GA COMMITTEE SUBSTITUTE FOR S. B. 349

Amend the Substitute for Senate Bill 349 by removing from line 20 in Subsection (7) in Section 2 on page 4 of the bill the following: "or nonprofit".

Which was adopted.

Mr. Little then offered the following amendment to the substitute, as amended, for the Bill, S. B. 349, to-wit:

AMENDMENT TO SUBSTITUTE, AS AMENDED,
FOR S. B. 349

Amend the Substitute for Senate Bill 349 by removing the quotation mark at the end of Section 2 on line 6 on page 5 of the bill, and by removing the quotation mark at the end of Section 3 on line 33 on page 5 of the bill and add the following language to the end of both Sections:

Provided, that no corporate funds will be a part of such separate, segregated fund, and any political contribution from such fund will be in the form of money and in no other form whatsoever."

Which was adopted.

Mr. Little then offered the following amendment to the substitute, as amended, for the Bill, S. B. 349, to-wit:

AMENDMENT TO SUBSTITUTE, AS AMENDED,
FOR S. B. 349

Amend HE Sub. for Senate Bill 349, page 2, line 28 by inserting after the words "to the" the words "office of the Secretary of State and to the"

Which was adopted.

Mr. Little then offered the following amendment to the substitute, as amended, for the Bill, S. B. 349, to-wit:

AMENDMENT TO SUBSTITUTE, AS AMENDED,
FOR S. B. 349

Amend Sub. for Senate Bill 349 Page 3, by inserting this subsection, following Section 1(3)c.

(D) For any corporation regulated by the Public Service Commission to pass on to its customers any contribution made for the purpose of establishing, administering or soliciting voluntary contributions to a separate, segregated fund to be utilized for political purposes.

Which was adopted.

And said substitute, as thus amended, for the Bill, S. B. 349, was then adopted by the Senate.

Yeas 21; Nays 3.

Yeas:

Messrs.:	Gulledge	Martin	Smith	
Cook	Hall	Mitchem	Taylor	
deGraffenried	Harrison	Parsons	Vacca	
Denton	Holmes	Proctor	Weeks	
Glass	Keener	St. John	White	
Goodwin	Little			—21

Nays: Messrs.: Clemon, Miller, Robertson. —3

And said Bill, S. B. 349, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 14; Nays 9.

Yeas:

Messrs.:	Gulledge	Parsons	Vacca	
Callahan	Harrison	Proctor	Weeks	
Cook	Martin	St. John	White	
Denton	Mitchem	Smith		—14

Nays:

Messrs.:	Holmes	Little	Robertson	
deGraffenried	Keener	Miller	Taylor	
Hall	Kirkland			—9

Mr. Callahan moved that the Senate reconsider the vote by which the Bill, S. B. 349, as amended, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

MOTION IN WRITING

Mr. White was granted permission to suspend the Rules in order to offer the following Motion in Writing, to-wit:

I move that the Bill, S. B. 486, on page 69 of the 24th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 486, referred to the Standing Committee on Rules for placement on the Consent Calendar.

SPECIAL ORDER

BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

S. 321. To amend Section 32-5-2, Code of Alabama 1975, so as to require owners of real property used for public vehicular travel to meet certain traffic control requirements.

And said Bill, S. B. 321, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas 27; Nays 0.

Yeas:

Messrs.:	Glass	Lemaster	St. John	
Britnell	Goodwin	Little	Smith	
Callahan	Gulledge	McDonald	Taylor	
Clemon	Hall	Mitchem	Teague	
Cook	Holmes	Parsons	Vacca	
deGraffenried	Keener	Proctor	Weeks	
Denton	Kirkland	Robertson	White	
				—27

Nays: —0

The Bill:

S. 477. To amend sections 32-9-20, 32-9-21 and 32-9-25 of the Code of Alabama 1975 relating to the length restrictions of certain motor vehicles so as to exclude approved detachable wind deflection devices from such restrictions.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 26; Nays 0.

Abstaining 1.

Yeas:

Messrs.:	Gulledge	Little	Smith	
Barron	Hall	Martin	Taylor	
Britnell	Harrison	McDonald	Teague	
Callahan	Holmes	Mitchem	Vacca	
Clemon	Keener	Parsons	Weeks	
Denton	Kirkland	Robertson	White	
Goodwin	Lemaster	St. John		—26

Nays: —0

Abstaining: Mr. Cook. —1

The Bill:

S. 400. To provide for fulfilling certain continuing education requirements adopted, promulgated and approved by the Alabama real estate commission as a condition prerequisite to the renewal of licenses of real estate brokers and salesmen; to provide for certain exemptions and exceptions; and to provide the Alabama real estate commission with the power and authority to implement the provisions of this Act.

was taken up.

The Standing Committee on Education reported the following amendment to the Bill, S. B. 400, to-wit:

COMMITTEE AMENDMENT TO S. B. 400

Amend S. B. 400, Section 2, Page 3, line 7, by deleting the word "offered" and inserting the following: "claimed for educational credit".

Which was adopted.

Yeas 20; Nays 1.

Yeas:

Messrs.:	Holmes	Miller	Taylor	
Britnell	Kirkland	Mitchem	Teague	
Callahan	Little	Parsons	Vacca	
Glass	Martin	St. John	Weeks	
Goodwin	McDonald	Smith	White	
Hall				—20

Nay: Mr. Robertson. —1

Mr. Mitchem offered the following amendment to the Bill, S. B. 400, as amended, to-wit:

AMENDMENT TO S. B. 400, AS AMENDED

Amend Senate Bill No. 400 Page 3 Line 5, by changing the numbers "20" to read "12".

Which was adopted.

Yeas 19; Nays 1.

Yeas:

Messrs.:	Gulledge	Little	Smith
Britnell	Hall	Martin	Teague
Clemon	Harrison	Mitchem	Vacca
Denton	Kirkland	Robertson	Weeks
Glass	Lemaster	St. John	White

—19

Nay: Mr. Taylor. —1

Mr. White offered the following amendment to the Bill, S. B. 400, as amended, to-wit:

AMENDMENT TO S. B. 400, AS AMENDED

Amend Senate Bill No. 400 Page 3 Line 23, by striking out Section 3 in its entirety and by renumbering the succeeding sections.

Which was adopted.

Yeas 21; Nays 1.

Yeas:

Messrs.:	Goodwin	Little	Robertson
Britnell	Hall	Martin	Smith
Clemon	Harrison	Miller	Taylor
deGraffenried	Keener	Mitchem	Vacca
Denton	Kirkland	Parsons	White
Figures	Lemaster		

—21

Nay: Mr. Teague. —1

Mr. Clemon offered the following amendment to the Bill, S. B. 400, as amended, to-wit:

AMENDMENT TO S. B. 400 AS AMENDED

Amend Senate Bill 400, Page 3, Line 8, by inserting after the word "renewal" the following language:

"Said courses, seminars or conferences shall be taken only at and under the auspices of one of the following institutions.

1. A junior college or trade school accredited by the State Board of Education.

2. A college or university fully accredited by the Southern Association of Secondary Schools and Colleges."

On motion of Mr. White, said amendment was laid on the table.

Yeas 14; Nays 11.

Yeas:

Messrs.:	Holmes	Mitchem	Teague	
Cook	Kirkland	Robertson	Vacca	
Goodwin	Martin	Smith	White	
Gulledge	Miller	Taylor		—14

Nays:

Messrs.:	Figures	Lemaster	Parsons	
Barron	Hall	Little	Pearson	
Clemon	Harrison	McDonald	Proctor	
				—11

Mr. Clemon then offered the following amendment to the Bill, S. B. 400, as amended, to-wit:

AMENDMENT TO S. B. 400, AS AMENDED

Amend Senate Bill No. 400 Page 3 Lines 8-13, by striking out all words and phrases after the period in line 8; and all words and phrases in lines 9, 10, 11, and 12; and the word "circumstances" in line 13;

and renumbering the subsequent lines

Mr. White moved that said amendment be laid on the table, which motion was lost.

Yeas 11; Nays 13.

Yeas:

Messrs.:	Gulledge	Mitchem	Taylor	
Cook	Hall	Robertson	Teague	
Goodwin	Martin	Smith	White	
				—11

Nays:

Messrs.:	Figures	Keener	McDonald	
Barron	Glass	Lemaster	Parsons	
Clemon	Harrison	Little	Pearson	
Denton	Holmes			—13

And said amendment was then lost.

Yeas 6; Nays 20.

Yeas:

Messrs.:	Clemon	Parsons	Robertson	
Barron	Figures	Pearson		—6

Nays:

Messrs.:	Denton	Gulledge	Keener	
Britnell	Glass	Hall	Kirkland	
Cook	Goodwin	Holmes	Little	

Martin	Proctor	Teague	Weeks
Miller	Taylor	Vacca	White
Mitchem			—20

Mr. Harrison offered the following amendment to the Bill, S. B. 400, as amended, to-wit:

AMENDMENT TO S. B. 400, AS AMENDED

Amend Senate Bill No. 400 Page 3, Line 5, by striking out the figure 12 after the word of and inserting in lieu thereof the following:

"2"

On motion of Mr. White, said amendment was laid on the table.

Yeas 15; Nays 8.

Yeas:

Messrs.:	Goodwin	Martin	Teague
Cook	Gulledge	Miller	Vacca
Denton	Hall	Mitchem	Weeks
Glass	Holmes	Taylor	White
			—15

Nays:

Messrs.:	Figures	Little	Parsons
Barron	Harrison	McDonald	Pearson
Clemon			—8

Mr. Parsons offered the following amendment to the Bill, S. B. 400, as amended, to-wit:

AMENDMENT TO S. B. 400, AS AMENDED

Amend Senate Bill No. 400 Page 3, Line 5, by inserting after the word "annually" with a maximum cost not to exceed more than one dollar ($1.00) per credit hour,

On motion of Mr. White, said amendment was laid on the table.

Yeas 16; Nays 14.

Yeas:

Messrs.:	Gulledge	Miller	Teague
Cook	Hall	Mitchem	Vacca
Denton	Keener	Smith	Weeks
Glass	Martin	Taylor	White
Goodwin			—16

Nays:

Messrs.:	Figures	Lemaster	Pearson
Barron	Harrison	Little	Proctor
Britnell	Holmes	McDonald	Robertson
Clemon	Kirkland	Parsons	—14

And said Bill, S. B. 400, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 17; Nays 15.

Yeas:

Messrs.:	Gulledge	Mitchem	Teague
Callahan	Hall	St. John	Vacca
Cook	Keener	Smith	Weeks
Glass	Martin	Taylor	White
Goodwin	Miller		—17

Nays:

Messrs.:	Denton	Kirkland	Parsons
Barron	Figures	Lemaster	Pearson
Britnell	Harrison	Little	Proctor
Clemon	Holmes	McDonald	Robertson

—15

Mr. White moved that the Senate reconsider the vote by which the Bill, S. B. 400, as amended, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

Yeas 11; Nays 10.

Yeas:

Messrs.:	Hall	St. John	Teague
Callahan	Martin	Smith	Vacca
Cook	Miller	Taylor	White

—11

Nays:

Messrs.:	Denton	Lemaster	Pearson
Barron	Harrison	Little	Weeks
Clemon	Kirkland	Parsons	—10

MOTION IN WRITING

Mr. Parsons offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 62, on page 26 of the 24th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 62, referred to the Standing Committee on Rules for placement on the Consent Calendar.

REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, with amendment, to-wit:

H. J. R. 229. CREATING AN INTERIM COMMITTEE ON MUNICIPAL GOVERNMENT.

The Standing Committee on Rules reported the following amendment to the Resolution, H. J. R. 229, to-wit:

COMMITTEE AMENDMENT TO H. J. R. 229

Amend H. J. R. 229 Page 2, by striking the word "Legislature" and inserting in lieu thereof the word "Legislators",

further amend H. J. R. 229, page 2, line five by striking the number "(9)" and inserting in lieu thereof the number "(8)" and by striking the number "(5)" and inserting in lieu thereof the number "(4)",

further amend H. J. R. 229, Page 4 by striking out the sum "($35,000.00)" and inserting in lieu thereof the sum "($7,000.00)".

Which was adopted.

Mr. Robertson moved that further consideration of the Resolution, H. J. R. 229, as amended, was postponed until the next Legislative Day.

Mr. Mitchem moved that the motion to postpone be laid on the table, which motion was lost.

The question then recurred on the motion of Mr. Robertson, which was adopted, and further consideration of the Resolution, H. J. R. 229, as amended, was postponed until the next Legislative Day.

Yeas 19; Nays 10.

Yeas:

Messrs.:	Denton	Kirkland	Pearson
Barron	Glass	Lemaster	Proctor
Britnell	Hall	Little	Robertson
Clemon	Holmes	McDonald	Vacca
deGraffenried	Keener	Miller	Weeks

—19

Nays:

Messrs.:	Martin	St. John	Teague
Callahan	Mitchem	Smith	White
Harrison	Parsons	Taylor	

—10

BILLS ON THIRD READING RESUMED

The Bill:

S. 87. To provide for a guaranteed minimum starting wage or salary for all county, municipal, or political subdivision law enforcement officers of this state and provide for the enforcement of the provisions of this act.

was taken up.

The Standing Committee on Finance and Taxation reported the following amendment to the Bill, S. B. 87, to-wit:

COMMITTEE AMENDMENT TO S. B. 87

Amend Senate Bill 87 by adding the following Section 2 and renumbering appropriately:

"Section 2. The provisions of this Act will not apply to officers otherwise affected until they have been employed in full-time law enforcement service by their employer for a minimum of two (2) years."

Which was adopted.

Yeas 30; Nays 0.

Yeas:

Messrs.:	Goodwin	Martin	St. John	
Barron	Gulledge	McDonald	Smith	
Britnell	Hall	Miller	Taylor	
Callahan	Harrison	Mitchem	Teague	
Clemon	Holmes	Parsons	Vacca	
deGraffenried	Kirkland	Pearson	Weeks	
Denton	Lemaster	Proctor	White	
Glass	Little	Robertson		—30

Nays: —0

The Standing Committee on Finance and Taxation then reported the following amendment to the Bill, S. B. 87, as amended, to-wit:

COMMITTEE AMENDMENT TO S. B. 87, AS AMENDED

Amend Senate Bill 87 on line 15 after the word state by inserting the following "employing more than seven law enforcement officers".

Further amend Senate Bill 87 on line 11 by striking the word "all".

Which was adopted.

Yeas 26; Nays 4.

Yeas:

Messrs.:	Glass	Lemaster	St. John	
Barron	Goodwin	Little	Smith	
Britnell	Gulledge	McDonald	Taylor	
Clemon	Hall	Miller	Vacca	
deGraffenried	Holmes	Mitchem	Weeks	
Denton	Keener	Pearson	White	
Figures	Kirkland	Proctor		—26

Nays: Messrs.: Harrison, Martin, Robertson, Teague. —4

Mr. Little offered the following amendment to the Bill, S. B. 87, as amended, to-wit:

AMENDMENT TO S. B. 87, AS AMENDED

Amend Senate Bill No. 87, as amended Page 1 Line 16, by striking out the word "nine" and insert in lieu thereof the word eight

and furthermore on line 17 strike out the figure ($900.00) and insert in lieu thereof the figure ($800.00)

Which was adopted.

Yeas 25; Nays 3.

Yeas:

Messrs.:	Clemon	Figures	Hall
Barron	deGraffenried	Goodwin	Holmes
Britnell	Denton	Gulledge	Keener

Lemaster	Miller	St. John	Vacca
Little	Mitchem	Smith	Weeks
Martin	Pearson	Taylor	White
McDonald	Proctor		

—25

Nays: Messrs.: Harrison, Robertson, Teague. —3

Mr. Proctor offered the following amendment to the Bill, S. B. 87, as amended, to-wit:

AMENDMENT TO S. B. 87, AS AMENDED

Amend Senate Bill No. 87 Page 1 Line 18, by striking out Lines 18 through 23 and renumbering each subsequent section.

Which was adopted.

Yeas 27; Nays 0.

Yeas:

Messrs.:	Glass	Lemaster	Robertson
Barron	Goodwin	Little	St. John
Britnell	Hall	Martin	Smith
Clemon	Harrison	McDonald	Teague
deGraffenried	Holmes	Mitchem	Vacca
Denton	Keener	Pearson	Weeks
Figures	Kirkland	Proctor	White

—27

Nays: —0

And said Bill, S. B. 87, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 29; Nays 2.

Yeas:

Messrs.:	Goodwin	Martin	Robertson
Barron	Gulledge	McDonald	St. John
Britnell	Harrison	Miller	Smith
Clemon	Holmes	Mitchem	Teague
deGraffenried	Keener	Parsons	Vacca
Denton	Kirkland	Pearson	Weeks
Figures	Lemaster	Proctor	White
Glass	Little		

—29

Nays: Messrs.: Hall, Taylor. —2

The Bill:

S. 114. To provide for appointment and designation of Supernumerary Sheriffs of the several counties within this State; to prescribe qualifications for the participants in such commission as Supernumerary Sheriff; to prescribe regulations and procedures for participation in such commission as Supernumerary Sheriff and to repeal conflicting statutes.

was taken up.

The Standing Committee on Finance and Taxation reported the following amendment to the Bill, S. B. 114, to-wit:

COMMITTEE AMENDMENT TO S. B. 114

Amend Senate Bill 114 on page one (1), line twenty-three (23) by striking everything on line twenty-three (23) and twenty-four (24) and inserting in lieu the following:

Section 1. Any person who serves as Sheriff of any county of this state after the effective date of this Act;

On motion of Mr. Goodwin, said amendment was laid on the table.

Mr. Goodwin then offered the following substitute for the Bill, S. B. 114, to-wit:

SUBSTITUTE FOR S. B. 114

A BILL
TO BE ENTITLED
AN ACT

To provide for appointment and designation of supernumerary sheriffs of the several counties within this state; to prescribe qualifications for the participants in such commission as supernumerary sheriff; to prescribe regulations and procedures for participation in such commission as supernumerary sheriff and to repeal conflicting statutes.

Be It Enacted by the Legislature of Alabama:

Section 1. Any sheriff on or after the effective date of this act of any county of this state may elect to participate in the supernumerary sheriff's program provided by this act. Any sheriff on or after the effective date of this act of any county of this state:

(a) who has had twelve (12) years of service credit as a law enforcement officer, four (4) of which have been as a sheriff and who has become permanently and totally disabled, proof of such disability being made by certificate of three reputable physicians; or

(b) who has had sixteen (16) years of service credit as a law enforcement officer, twelve (12) of which have been as a sheriff, and who has reached the age of fifty-five (55) years, may elect to become a supernumerary sheriff of the county by filing a written declaration to that effect with the Governor not more than 90 days prior to the end of the sixteen year period of reaching age of fifty-five years, both having been fulfilled, or at any time thereafter. If the Governor shall find that any such declarant is qualified under either subdivision (a) or (b), hereinabove set forth, he shall then issue such declarant a commission as supernumerary sheriff. The office of sheriff made vacant by the election of such declarant shall be filled by appointment of the Governor as now provided by law. This section shall apply only to sheriffs who have been elected to that office.

Section 2. The governing body of each county shall begin deducting, upon the effective date of this act and each month thereafter, from the salaries of such sheriffs an amount equal to six percent (6%) of the monthly salary paid such sheriff. Such sum shall be deducted monthly and paid into the general fund of the county. If any sheriff, subject to the provisions of this act, shall end his tenure of office prior to having reached age of fifty-five

years, but having had sixteen years of service as a law enforcement officer, twelve of which have been as sheriff, his supernumerary allowance as set out in Section Three (3) of this act, shall be vested and held in the general fund of the county until he attains age fifty-five at which time, or any time thereafter, he may elect to become a supernumerary sheriff as set out in Section One (1) of this act. If any sheriff, subject to the provisions of this act, shall end his tenure of office prior to having had sixteen years of service as a law enforcement officer, twelve of which was served as sheriff, as provided herein, an amount equal to the total paid by him into the general fund of the county under the provisions of this section shall be repaid to him. In the event a sheriff should die in office prior to his eligibility or his election to be commissioned a supernumerary sheriff, then, in that event, the total amount paid by him to the general fund of the county hereunder shall be paid to his named beneficiary. In the event of the death of any supernumerary sheriff in whose favor a monthly retirement allowance is accruing, his spouse shall be entitled to a monthly allowance equal to fifty per centum (50%) of the retirement allowance the supernumerary sheriff was receiving when he died, as hereinafter specified for a period of up to 15 years. No spouse shall receive any benefits under this act unless such spouse was married to the deceased supernumerary sheriff at the time of his death and any benefits of a spouse under this act shall terminate in the event the spouse remarries. This Section Two (2) shall not apply in any county in which the sheriff of said county is eligible to become entitled to any other state or county retirement act, which he may elect to come under.

Section 3. Those persons eligible under either Sections 1 (a) or 1 (b) of this act, who have sixteen (16) years of creditable service as a law enforcement officer, twelve of which were served as sheriff, shall be entitled to receive an amount equal to fifty percent (50%) to the monthly salary paid such person at the time of the completion of his service in office, and shall be entitled to receive an additional amount equal to two percent (2%) of such person's said monthly salary for each additional year of service up to a maximum of sixty-five percent of such monthly salary, but in no event shall any person receive payments pursuant to both the supernumerary and disability supernumerary provisions simultaneously. All such payments shall be paid from the general fund of the county in which said eligible person is serving upon his election to become a supernumerary sheriff or to become a supernumerary sheriff due to a disability.

Section 4. Any sheriff serving on the effective date of this act of any county of this state who elects to participate in the supernumerary sheriff's program shall receive service for supernumerary status for any time served as sheriff after the effective date of this act. Any sheriff in order to receive service credit for prior service as a sheriff or law enforcement officer shall pay into the county general fund an amount equal to the total contribution he would have made as a sheriff based on six percent (6%) of his current salary as sheriff for a period not to exceed five years or the time of prior service as sheriff whichever is lesser. Any prior service credit must be purchased within one year of the effective date of this act. No sheriff shall be eligible to go on supernumerary status with less than five years of creditable service including prior service credit purchased as provided above.

Section 5. If any sheriff is eligible for retirement benefits under any other county, state or municipal retirement plan or act, then, in that event, he shall elect the plan or act in which he desires to participate and shall so notify the proper authority within sixty days after he becomess eligible for

any payments under this act. It is further provided, however, that such election shall not affect any such person's entitlement to benefits under the provisions of Act No. 999, H. 288, 1969 Regular Session (Acts 1969, p. 1815).

Section 6. Each supernumerary sheriff shall take the oath of office prescribed for sheriffs and shall be subject to call by the governor in the event of a vacancy in the office of the sheriff.

Section 7. All laws or parts of laws which conflict with this act are hereby repealed.

Section 8. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a alw.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Martin	Robertson	
Britnell	Goodwin	McDonald	St. John	
Callahan	Gulledge	Miller	Smith	
Clemon	Hall	Mitchem	Taylor	
Cook	Keener	Pearson	Vacca	
deGraffenried	Kirkland	Proctor	White	
Denton	Little			25
Nays:				—0

And said Bill, S. B. 114, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 33; Nays 0.

Yeas:

Messrs.:	Glass	Little	Robertson	
Barron	Goodwin	Martin	St. John	
Britnell	Gulledge	McDonald	Smith	
Callahan	Hall	Miller	Taylor	
Clemon	Harrison	Mitchem	Teague	
Cook	Holmes	Parsons	Vacca	
deGraffenried	Keener	Pearson	Weeks	
Denton	Kirkland	Proctor	White	
Figures	Lemaster			—33
Nays:				—0

Mr. Cook moved that the Senate reconsider the vote by which the Bill, S. B. 114, as amended, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

ADJOURNMENT

At 11:59 P.M., on motion of Mr. Cook, in accordance with Joint Resolution heretofore adopted, pending further consideration of S. B. 468, the Senate adjourned until Wednesday, July 11, 1979, at 1 o'clock P.M.

TWENTY-FIFTH LEGISLATIVE DAY

WEDNESDAY, JULY, 11, 1979

The Senate met pursuant to adjournment, Lieutenant Governor McMillan presiding.

PRAYER

The Session was opened with prayer by the Reverend Don Barfield, Pastor, Shady Grove Baptist Church, Leesburg, Alabama.

ROLL CALL

Present:

Messrs.:	Figures	Kirkland	Proctor
Bailey	Glass	Lemaster	Robertson
Barron	Goodwin	Little	St. John
Britnell	Gulledge	Martin	Smith
Callahan	Hall	McDonald	Taylor
Clemon	Harrison	Miller	Teague
Cook	Higginbotham	Mitchem	Vacca
deGraffenried	Holmes	Parsons	Weeks
Denton	Keener	Pearson	White

—35

JOURNAL

On motion of Mr. Goodwin, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Twenty-Fourth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

ALBERT McDONALD,
Chairman.

COMMITTEE REPORT

On motion of Mr. McDonald, the foregoing report was concurred in and the Journal of the Senate for the Twenty-Fourth Legislative Day was approved by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, and House Joint Resolutions, your signature thereto is requested.

H. 65. To prescribe a procedure for complaints, investigations, findings and recommendations for payment of damages where purchasers of agricultural, vegetable, flower, tree, shrub and herb seeds suffer damages as a result of such seed not being in compliance with legal requirements which govern the sale thereof or where the seed fail to perform as represented; to create and establish an investigation and arbitration committee for this purpose and to prescribe its powers, duties and authority.

Also:

H. 66. To amend Section 9-17-24 of the Code of Alabama 1975, so as to provide for the deposit of the oil and gas well permit fees into the state general fund; to provide for the transfer of all kinds in the state treasury to the credit of the oil and gas fund to the credit of the general fund; and to provide for the abolition of the oil and gas fund.

Also:

H. 67. To abolish the Board of Corrections and transfer all powers, authority and responsibilities therefor to the governor to enable him to exercise a direct and effective control over the penal and correctional institutions of this state; to provide that such responsibilities and certain authorities may be transferred to other individuals or to any board formed by the governor; to repeal conflicting laws and specific statutes pertaining to the board of corrections, and any inconsistencies contained in Title 14, Chapters, 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 of the Code of Alabama 1975, as amended, which conflict with or are inconsistent with any provision of this Act.

Also:

H. J. R. 248. EXTENDING THE REPORTING DATE OF THE JOINT LEGISLATIVE STUDY COMMITTEE TO STUDY THE STATE INCOME TAX STRUCTURE.

Also:

H. J. R. 253. CREATING A COMMITTEE TO STUDY THE FEASIBILITY OF CONSTRUCTING A BUILDING TO HOUSE THE HIGHWAY DEPARTMENT AND CONVERTING THE PRESENT BUILDING FOR LEGISLATIVE AND OTHER DEPARTMENTAL USE, AND TO CONSIDER BUYING AND HOLDING ADDITIONAL PROPERTY FOR FUTURE USE.

Also:

H. J. R. 257. Relative to Meeting Dates: Tuesday, July 10, 1979; Wednesday, July 11, 1979; Thursday, July 12, 1979 and Tuesday, July 17, 1979.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills and House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 135. To amend Section 34-9-8, Code of Alabama 1975, by requiring that teaching permits be issued annually by the board and by increasing the fee for issuance of said permits to an amount not less than $5.00 nor more than $50.00; amends Sections 34-9-10, Code of Alabama 1975, by deleting the requirement of being a citizen of the United States, and by increasing the application for license fee to an amount not less than $50.00 nor more than $200.00; amends Section 34-9-15, Code of Alabama 1975, by increasing the annual registration fee to an amount not less than $10.00 nor more than $50.00; amends Section 34-9-16, Code of Alabama 1975, by increasing the examination fee for dental applicants to an amount not less than $25.00 nor more than $200.00, by increasing the examination and training permit fee for dental hygienists to an amount not less than $20.00 nor more than $180.00, by increasing the license certificate fee to $20.00, by increasing the annual registration certificate fee to an amount not less than $10.00 nor more than $50.00; and by increasing the teaching permit fee to an amount not less than $5.00 nor more than $50.00; amends Section 34-9-26, Code of Alabama 1975, by increasing the examination fee for dental hygienists to an amount not less than $20.00 nor more than $180.00 and by increasing the license certificate fee to $20.00, and by deleting the requirement of being a citizen of the United States of America; and amends Section 34-9-41, Code of Alabama 1975, by increasing the compensation of the members of the Board of Dental Examiners of Alabama to an amount not less than $25.00 nor more than $150.00.

Also:

H. 257. To amend Section 4 of ARTICLE VIII of Act No. 929 of the Regular Session of the Legislature of Alabama of 1951 (Ala. Acts, 1951, pp. 1579-1599), herein called "Act 929," which said Act 929 established for every city of the State of Alabama having a population of Two Hundred Fifty Thousand (250,000) or more, according to the last or any succeeding federal census, a pension and relief system for officers and employees of such city, and which said Act 929 was amended by Act No. 1272 of the Regular Session of the Legislature of Alabama of 1973 (Ala. Acts, 1973, pp. 2124-2155).

Also:

H. 335. To amend Section 5-19-1, Code of Alabama, 1975, which defines "creditor" as used in Chapter 19 of Title 5 of the Code of Alabama, 1975, so as to make clear that all the provisions of Chapter 19 exclusively control the activities of credit unions on subjects dealt with by Chapter 19, and supersede any provisions of the credit union act in conflict therewith.

Also:

H. 347. To regulate the private practice of counselors in Alabama; to create a Board of Examiners in Counseling; to prescribe the duties and powers of said Board; to provide for the licensure of counselors and the certification of counselor associates; to fix penalties for the violation of this Act; to impose licensure and certification fees and to provide for the use of funds received.

Also:

H. 460. To provide Solicitor Counsels for the 35th Judicial Circuit; to provide the conditions under which a County Solicitor or District Attorney of the 35th Judicial Circuit may become a Solicitor Counsel; to prescribe the qualifications, tenure in office, duties, powers, authority, compensation and the method of removal from such office.

Also:

H. 613. Relating to Mobile County; creating the Mowah Band of the Choctaw Indian Commission; providing for its duties and membership; prescribing the composition and terms of office of the members of said commission; and repealing all laws or parts of laws conflicting with this act.

Also:

H. 690. To authorize the Mobile County Commission to grant a county salary supplement to the Circuit Clerk of the 13th Judicial Circuit.

Also:

H. 703. Relating to selling and redeeming lands for taxes in DeKalb County, Alabama.

Also:

H. 704. Relating to DeKalb County; providing for the compensation of the tax assessor and tax collector.

Also:

H. 754. Relating to Chambers County; to authorize the county commission to impose a privilege or license tax upon the sale, use or consumption of malt or brewed beverages; to provide for the administration and enforcement of this act; and to provide for the rate and distribution of the proceeds of the tax.

Also:

H. 761. Relating to Jackson County; to provide that the county commission may levy and collect a severance tax on coal at a rate established by such county commission; to provide that such tax shall be in addition to any state severance tax; to provide how the funds from such tax shall be expended; to provide for the collection of such severance tax; and to repeal conflicting laws.

Also:

H. 762. Relating to Jackson County; to authorize the coroner to appoint a deputy coroner, and to provide for the compensation of such deputy coroner.

Also:

H. 691. To amend and revise Act No. 87, No. 270 Regular Session 1955, an Act relating to Mobile County and regulating the office of the Judge of Probate of said County, (Acts 1955, Vol 1, page 335,) as last amended by an Act approved May 11, 1977, (Acts 1977 Vol 1, page 605).

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

REPORTS OF COMMITTEES

Mr. Keener, Chairman of the Standing Committee on Business and Labor Relations, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Goodwin (With Amendment):

S. 590. To amend Section 25-4-5, Section 25-4-10, Section 25-4-16, Section 25-4-51, Section 25-4-70, Section 25-4-74, Section 25-4-78, Section 25-4-91, Section 25-4-113, Section 25-4-118, Section 25-4-134, Section 25-4-141 and Section 25-4-145, Code of Alabama 1975, as last amended, relating to the Alabama Unemployment Compensation Act so as to remove provisions covering certain participants in federally funded programs; to include back pay awards in the definition of wages, distribute over the period covered by the award and to describe the effect on the receipt of benefits; to clarify the period required for a reimbursing employer to become eligible to change method of financing benefit costs; to provide for succession of and by governmental entities, designate liability for resulting benefit costs and recovery of such costs from an abolished state agency; to provide a minimum advance payment rate for governmental employer and the procedure for appealing and assigned rate; to clarify the denial of benefit provisions for certain educational employees; to provide for the reduction of benefits by the amount of pensions or retirement pay as required by federal law to become effective after March 31, 1980; to permit reconsideration of claims after the end of a benefit year in case of false or misrepresented facts and procedures for appeal of such reconsideration; to provide employees immunity from civil suits for acts performed in their individual official capacity except for wanton or malicious conduct; to permit disclosure of information to public officials in performance of official duties; to correct a reorganization of procedures relating to collection of delinquent contributions made during compilation of the 1975 Code; to remove requirement for individual to testify even if testimony might be self-incriminating and to establish procedures for collection of overpayment of benefits.

Mr. Bailey, Chairman of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. St. John:

S. 566. Relating to savings and loan associations; to provide a procedure for approval of branch offices in jurisdictions permitting same; and to repeal conflicting laws.

Mr. Teague, Chairman of the Standing Committee on Commerce, Transportation and Utilities, reported that said committee, in session, had

acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Reps. Kelley and Edwards:

H. 99. To repeal Act 604, Acts of Alabama, 1978, codified as Chapter 23, Title 11, Code of Alabama, 1975, which chapter relates to Industrial Parks.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Weeks (with notice and proof):

S. 536. To provide for and create the Barbour County Racing Commission, for the regulating, licensing and supervision of Greyhound racing and wagering thereon; to prescribe the composition, appointment, powers, and duties of the commission; to provide for and regulate the pari-mutuel or certificate method of wagering within the enclosure of licensed race tracks; to provide for the distribution of license fees, taxes, commissions, and other monies received under the provisions of the act; and to provide certain penalties for the violation of this act and for other purposes relative thereto, and to provide for a referendum of the voters of the county and on the question of whether the act will become effective in the county.

By Messrs. Denton and Britnell:

S. 586. Relating to the 31st judicial circuit; providing for a county salary supplement for the circuit judges and the presiding district judge of the 31st judicial circuit, and to provide the means and manner for the payment of same.

By Mr. Keener (with notice and proof):

S. 599. To set the compensation of the tax collector of Etowah County.

By Mr. Little (with notice and proof):

S. 610. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Alexander City, in Tallapoosa County.

By Mr. McDonald (with notice and proof):

S. 611. Relating to Madison County; to provide for an increase in salary and expense allowance for certain officials in Madison County; and to provide that Sections 2, 3 and 4 of this act relating to the increase in compensation of certain county officials shall be effective only if all full time county employees and deputy sheriffs have been provided a seven and one-half percent increase in compensation per annum prior to January 1, 1980.

By Mr. Keener (with notice and proof):

S. 616. Relating to Etowah County; providing for an additional county supplement to the state pay for the circuit court judges.

By Mr. McDonald (with notice and proof):

S. 618. To amend Act No. 366, S. 472, 1978 Regular Session (Acts 1978, p. 309) entitled "An Act Relating to Limestone County; providing for the compensation and expense allowance of certain county officers," so as to provide further for said compensation.

By Mr. McDonald (with notice and proof):

S. 619. Relating to Limestone County; to provide an additional expense allowance for certain elected county officers.

By Mr. McDonald (with notice and proof):

S. 620. To provide for the distribution of payments in lieu of taxes by Tennessee Valley Authority of the United States Government made to Limestone County pursuant to Act of the 1978 Alabama Legislature, approved August 7, 1978, 1978 Acts of Alabama, Page 1787, among the various governmental units, schools, and hospital in Limestone County which receive distributions of ad valorem tax revenues.

By Mr. Mitchem (with notice and proof):

S. 626. Relating to Marshall County; to provide a salary increase for the tax assessor and tax collector for said county and to provide for the effective date of said increase.

By Reps. Stout and Rains (with notice and proof):

H. 840. To create an Industrial Development Authority for DeKalb County for the purpose of promoting industry and trade and the development of said county; to provide for the organization, powers, functions, duties and personnel of such Authority and to provide for the payment of the expenses of such Authority and for the compensation of its employees.

By Mr. Whatley (with notice and proof):

H. 860. To provide additional avenue in Barbour County; levying in Barbour County special county privilege license and excise taxes paralleling, at lower rates, state sales and use taxes as provided for in Chapter 23 of Title 40 of the Code of Alabama 1975; providing for the ascertainment, collection, payment, distribution and use of the proceeds of such license tax, and for the enforcement of the act by the state department of revenue; prescribing penalties and fixing punishment for violations of the act; and to provide for a referendum.

By Rep. Cobb (with notice and proof):

H. 861. Relating to Marion County; authorizing the county commission to pay an additional expense allowance to the chief deputy sheriff, each deputy sheriff and the sheriff's clerk; and giving this retroactive effect.

By Rep. Blake (with notice and proof):

H. 773. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Moody in St. Clair County.

By Mr. Weeks (with notice and proof):

S. 598. Relating to Pike County; to provide an additional expense allowance for the coroner of such county.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Reps. Shoemaker, Dial, Johnson (R. G.) and Moore:

H. 577. To amend Act No. 588, S. 660, 1978 Regular Session (Acts of 1978, p. 692), which appropriates money to Alabama Institute for Deaf and Blind to build a sheltered workshop so as to authorize a portion of said money to be used to construct an automotive body and fender shop.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Rep. Gafford, et al (With Amendment):

H. 580. To provide up to a 7% cost-of-living increase for all certified employees and full-time support personnel paid from state funds in the elementary-secondary schools, and the Alabama Institute for Deaf and Blind paid from state funds, and for all full-time academic instructional personnel in the Department of Youth Services paid from state funds, for full-time instructional staff for junior, technical, and community colleges paid from state funds, and to identify the funds from which said cost-of-living increase shall be paid and to provide a procedure for determining availability and paying out of such funds. Also additional funds to Athens State College and the universities.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Clemon, White, Parsons, Vacca, and Proctor:

S. 294. To create an additional judgeship for the Tenth Judicial Circuit of Alabama; to provide for the election of such judge; to prescribe the jurisdiction, powers, authority, qualifications, duties, and compensation of such judge, and to render such judge liable to all the pains and penalties of other Circuit Judges in the State; to further provide for a division of authority and duties between judgeships in said Circuit; to increase the number of Circuit Judges in the Tenth Judicial Circuit of Alabama to 20; to repeal all laws or parts of laws in conflict herewith; to amend Section 12-17-20 of the 1975 Code of Alabama; and to provide the effective date of this Act.

By Mr. Sasser:

H. 275. To raise revenue by levying a privilege of excise tax on every person licensed under the provisions of Title 28, Article 4, Code of Alabama 1975, who sells, stores, or receives for the purpose of distribution, malt or brewed beverages; to provide for the collection and distribution of the proceeds of said tax; to prescribe penalties for failure to collect or pay the tax or for possession of unidentified malt or brewed beverages; to provide for identification of such beverages; and to supersede and repeal Title 28, Article 5, Chapter 3, Code of Alabama 1975, and repeals other conflicting laws.

By Mr. Cook:

S. 69. Creating the Alabama Aviation Hall of Fame Board; providing the method of selection of its members; prescribing its powers and duties; providing that no person may derive income or profit from the funds or property of the board; and providing that gifts to and property, funds and activities of the board shall be exempt from taxation.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Keener;

S. 570. Relative to Class 4 and 5 municipalities in this state having a population of not less than 25,000 and not more than 99,999 inhabitants according to the last or any subsequent Federal decennial census; authorizing each such municipality to acquire properties suitable for use by any commercial enterprise in furnishing hotel services, including food or lodging or both, and the rental of ground floor space or other accommodations to others engaged in any business, trade, profession, occupation or activity; authorizing such municipalities to lease such properties subject to certain specified requirements; authorizing such municipalities to finance the acquisition of such properties by the issuance of revenue bonds payable solely out of the revenues from the leasing of such properties and to secure such bonds by pledges of such revenues and leases and by mortgages on such properties; providing that all such bonds shall be negotiable instruments; authorizing the refunding of any such bonds; providing for remedies in the event of default respecting any bonds issued under the act; exempting from taxation such properties and the revenue from the lease thereof, such bonds and the income therefrom, all mortgages executed as security therefor and all lease agreements made hereunder; prohibiting any such municipality from making contributions to the cost of any such properties and from furnishing land therefor; providing that such bonds and any agreements made in connection therewith shall not constitute an indebtedness of a municipality or a pecuniary liability of any kind; providing that such bonds shall be legal investments for savings banks and insurance companies organized under the laws of this state; providing the purposes for which the proceeds from the sale of such bonds may be used; providing that no notice to or consent or approval by any governmental body or public officer shall be a prerequisite to the issuance of such bonds or the securing thereof.

By Mr. Bailey:

S. 627. To amend Section 41-16-50 of the Code of Alabama, 1975, relating to awarding certain public contracts involving $2,000 or more, so as to further provide for circumstances under which the contract may be awarded to other than the lowest bidder; and to make the provisions of the act retroactive.

By Reps. Roberts, Whatley, Carter and Patton:

H. 128. To provide further for the disposition of surplus state property; to provide that such property shall be screened by the Forestry Commission for use by volunteer fire departments; to provide for the transfer or loan of such property for fire protection purposes; and to provide penalties for violations.

Mr. Vacca, Chairman of the Standing Committee on Local Legisation No. 2, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Parsons and Hall (with notice and proof) (With Amendments):

S. 617. To amend Act No. 512 of the Regular Session of the Legislature of Alabama of 1977 (Ala. Acts, 1977, p. 674, et seq.), herein called "Act 512", which Act relates to the Jefferson County Coroner-Medical Examiner's Office, by changing certain provisions Act 512 now contains regarding the said office and by also incorporating in said Act 512 additional provisions which will establish the Coroner-Medical Examiner's Commission, will provide for the composition of said Commission, and will provide that the said Commission shall have the power to do the following: To consult with the county governing body on the selection, appointment and retention of the Coroner-Medical Examiner, and such Associate Coroner-Medical Examiners as it may be necessary and appropriate to appoint; to promulgate rules and regulations governing the reviews and investigations of the Coroner-Medical Examiner's Office, including the conditions and circumstances upon which such reviews and investigations shall be conducted; to receive and reply to all questions and inquiries concerning the operation of the Coroner-Medical Examiner's function submitted by the Coroner-Medical Examiner, the county governing body, or others; and to assist the Coroner-Medical Examiner in informing the public of the Coroner-Medical Examiner function.

Mr. Vacca, Chairman of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Hilliard, et al (with notice and proof):

H. 809. To repeal Act No. 821, H. 1266, 1965 Regular Session (Acts of Alabama 1965, p. 1534), as amended by Act No. 1030, H. 822, 1969 Regular Session (Acts of Alabama 1969, p. 1907), and to repeal said Act No. 1030, 1969 Regular Session, both of which relate to the fluoridation of water supplies in counties having a population of 600,000 or more according to the most recent federal decennial census.

By Rep. Hilliard, et al (with notice and proof):

H. 810. To repeal Act No. 555, H. 945, 1953 Regular Session (Acts of Alabama 1953, p. 783), which relates to the fluoridation of water supplies in counties having a population of 400,000 or more according to the most recent federal decennial census.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Teague (with notice and proof) (With Amendment):

S. 634. To regulate the expense allowances in the Thirtieth Judicial Circuit for district judges; and to provide for retroactive effect.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Letson (with notice and proof):

H. 600. Relating to Lawrence County; amending Section 1 of Act No. 700, H. 1016 of the 1978 Regular Session (Acts 1978, Vol. II, p. 1009), relating to compensation for the clerk in the sheriff's office, so as to increase the maximum limit.

By Rep. Letson (with notice and proof):

H. 617. Relating to Lawrence County; to place certain limitations on the amount of time which the records of certain registrations and licenses issued and renewed by the judge of probate and license commissioner of said county must be retained on file.

By Rep. Letson (with notice and proof):

H. 618. Relating to Lawrence County; to provide a procedure for handling cases involving invalid personal checks given for licenses, and the voiding of such licenses.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Smith and McDonald:

S. 535. Authorizing the county commission, or like governing body, of any county to borrow the necessary funds to operate the said county in the event the tax collector is unable to collect taxes; providing when such loans may be made, for the issuance of certificates covering such loans and for the pledge of uncollected taxes to pay such loans; prescribing the maximum interest rates applicable to such loans and the dates on which such loans would be payable; limiting the use of the proceeds of such loans; providing for the registration, payment, cancellation and exemption from taxation of such certificates; requiring each such county to comply with the debt limitation of Amendment 342 to the Constitution of 1901, as amended; and repealing conflicting laws.

Mr. White, Chairman of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Rep. Owens (With Amendment):

H. 56. To amend Section 22-9-30, Code of Alabama 1975, relating to vital statistics so as to further provide for the registration of births by providing for the collection of the normal fee for a birth certificate by the physician, midwife, or other person reporting the birth and the forthwith issuance of a birth certificate by the state registrar.

Mr. White, Chairman of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Callahan (With Substitute):

S. 151. Relating to the regulation of the practice of podiatry in Alabama; further amending certain definitions and adding another definition; amending the make up of the State Board of Podiatry; amending the requirements for the renewal of licenses; amending Sections 1, 3, and 15 of Act No. 741, S. 388, Regular Session of 1967 (Acts 1967, p. 1586).

Mr. White, Chairman of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Rep. Warren (With Amendment):

H. 772. To further amend Section 34-5-15 of the Code of Alabama 1975, as amended, relating to applicability of the state barber's law, so as to provide further for such applicability.

Mr. Mitchem, Chairman of the Standing Committee on Agriculture, Conservation, and Forestry, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Reps. Carter, Kelley, Roberts, Patton and Letson:

H. 296. To regulate further the hunting of migratory waterfowl; to provide for the issuance of migratory waterfowl stamps and for the collection of fees therefor; to provide for the procurement, development, restoration, maintenance, or preservation of wetlands for waterfowl habitat and for public waterfowl hunting areas; and to require the state department of conservation and natural resourses to carry out the provisions of this act.

Mr. Mitchem, Chairman of the Standing Committee on Agriculture, Conservation, and Forestry, reported that said committee, in session, had acted on the following bill, and ordered same returned to the Senate with a favorable report, with substitute, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Rep. Biddle (With Substitute) (With Amendment):

H. 378. To amend the Code of Alabama, 1975, § 9-11-53, subsection (a) so as to increase the cost of resident fishing licenses, and restricting the hook and line license to the county in which the licensee resides.

Mr. Mitchem, Chairman of the Standing Committee on Agriculture, Conservation, and Forestry, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Rep. McMillan, et al (With Amendment):

H. 415. To amend Code of Alabama 1975, § 9-11-17 so as to provide the requirements, duties, authority, compensation and method of revoking appointments for deputy game and fish wardens.

Mr. Mitchem, Chairman of the Standing Committee on Agriculture, Conservation, and Forestry, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Mitchem:

S. 588. To amend Section 7-2-316 of the Code of Alabama of 1975 relating to exclusion or modification of warranties so as to provide that with respect to the sale of cattle, swine, sheep, goats, horses, mules and asses, when sold by a livestock auction market, there shall be no implied warranty by such a market that the animals are free from diseases.

Mr. Mitchem, Chairman of the Standing Committee on Agriculture, Conservation, and Forestry, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Kirkland, Cook, Vacca, and Parsons (With Substitute):

S. 250. To prohibit the use of steel traps and similar devices; to prohibit the sale of any pelts taken with steel traps in this state; to authorize the State Health Officer to legalize the use of steel traps in certain areas of the state when he declares such areas to be invested with rabies; and to prescribe the punishment for violation of this act.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Glass, Harrison, Hall, Mitchem, Keener, Holmes, Robertson, Miller, Little, Parsons, Teague, Britnell, Taylor, Goodwin, Clemon, Kirkland, Bailey, Gulledge, Weeks, Figures, Lemaster, and Callahan (With Amendment):

S. 596. To provide further appropriations totalling $12 million to the Medicaid Program for the current fiscal year of 1978-79, said fiscal year ending on September 30, 1979.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Drinkard:

H. 18. To further amend Code of Alabama, 1975 Section 40-14-70 which pertains to the taxation of corporate shares of stock by providing in the first paragraph for assessment at twenty percent rather than thirty percent; by adding the word, "tangible", before the word, "personal"; by rewriting the section beginning with the second paragraph herein to place the provisions of the section in orderly sequence and in consonance with the amendments that have been previously made to the section; by adding the word, "total" before the word, "value"; by omitting the words, "assessed value" and retaining the words, "book value"; by changing the word, "thirty", to "twenty"; replacing the word, "total", with the word, "assessed"; by adding the phrase, "taxable real and tangible personal property owned, assessed, and on which taxes are

to be paid by the corporation as shown by such tax return filed by the corporation in the State of Alabama"; by adding the word, "tangible", before the word, "personal" where appropriate; and by changing the word, "taxation" to the word, "stock"; by changing the provisions for deductions of air or water pollution control devices where the air or water pollution control was caused by the domestic corporation; by allowing a deduction for inventory from such taxation.

By Mr. Callahan:

S. 249. To amend Section 40-18-20 of the Code of Alabama 1975, relating to a state income tax exemption for military retirement benefits so as to provide further for such exemption.

By Mr. Goodwin:

S. 113. To amend Section 40-12-223, Code of Alabama 1975, relating to exemptions from tax levied on the leasing or renting of tangible personal property, so as to provide further for the exemption of certain properties leased for use as a residence or dwelling place.

By Rep. Sasser:

H. 317. Relating to the eradication and control of swine diseases: to make an appropriation to the Department of Agriculture and Industries for the fiscal year ending September 30, 1980, to indemnify owners of swine for the value of any swine ordered condemned and destroyed for the prevention and eradication of the disease of hog cholera, African swine fever and other swine diseases.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Rep. Owens (With Substitute) (With Amendments):

H. 386. To make annual appropriations for the support, maintenance, and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1980.

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that the following bills have been placed at the end of the Regular Order Calendar, for today, to-wit:

By Rep. Owens (With Amendments):

H. 17. To further amend Sections 34-7-1, 34-7-4-, 34-7-5, 34-7-7, 34-7-11, 34-7-19, 34-7-24, 34-7-40 and 34-7-42 of the Code of Alabama 1975, as amended, and specifically to repeal Sections 34-7-22 and 34-7-23 of the Code of Alabama 1975, as amended, which sections relate to the practice of cosmetology, so as to further regulate the profession.

By Mr. Denton:

S. 388. To make a conditional appropriation from the Alabama Special Educational Trust Fund in the State Treasury to the Colbert County Board of Education for capital outlay purposes only for the construction and renovation of Colbert Heights School in Colbert County.

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that the following Bills have been placed on the Consent Calendar for today, to-wit:

By Mr. Martin:

S. 180. To amend Section 40-12-21 of the Code of Alabama 1975 relating to license records to be kept by judges of probate or license commissioners so as to provide further for the keeping of such records.

By Messrs. Figures, Parsons, Miller, and Robertson:

S. 357. To further provide for the procedure in a petition for the sale for division of property held by joint owners or tenants in common so as to provide for the purchase of the interests of the joint owners or tenants in common filing for the partition by the other joint owners or tenants in common.

By Mr. Goodwin:

S. 402. To amend Section 17-4-25 of the Code of Alabama 1975 relating to the clerical assistants and help for the judge of probate for the preparation of the list of qualified electors which the judge of probate is required to furnish the election inspectors.

By Mr. Denton (With Substitute):

S. 461. To provide that it shall be unlawful for anyone to willfully throw or cast headlights or any rays of artificial light from any motor vehicle in any field, woodland or forest in an attempt to locate deer or any other wildlife with the exception of farmers who may do so while checking livestock on owned, leased or rented land; and to provide for penalties.

By Reps. Manley and Clark:

H. 194. To amend Section 36-25-4 of the Code of Alabama 1975 relating to powers and duties of the state ethics commission so as to prohibit said commission from investigating certain complaints regarding public officials.

By Rep. Holley, et al:

H. 303. To direct the Alabama Peanut Producers Association to provide for a referendum by the peanut growers of the state on the question of whether a system of indeminification for certain losses incurred as a result of the presence of Aspergillus flavus or freeze damage in peanuts is favored; upon a favorable vote in such referendum, to provide for the establishment of a body corporate to initiate, administer and regulate a system of indemnification to peanut farmers for certain losses incurred as a result of the presence of Aspergillus flavus or freeze damage in peanuts; to authorize such body to initiate and administer an insurance plan or to contract with underwriters to insure against certain losses caused by such mold or freeze damage; to provide for an assessment plan to finance the indemnification program; and to provide that the provisions of this act shall become operative upon the adoption of an amendment to the Constitution of Alabama empowering the legislature to authorize such indemnification program.

By Reps. Holley and Whatley:

H. 620. To propose an amendment to the Constitution of Alabama of 1901 authorizing the legislature to provide for an indemnification program to peanut farmers for losses incurred as a result of Asperigillus flavus of freeze damage.

LOCAL BILLS ON THIRD READING

The Bill:

S. 560. Relating to DeKalb County providing additional or supplemental laws applicable to sub-division regulations and public health in DeKalb County because of the porous sandy soil and sand rock structure of the soil in said county; providing that neither the State Department of Health nor any other state or local officer or agency shall withhold approval of any sub-division or any lot therein nor withhold or refuse to issue a septic tank permit or health approval on any tract of land, which has topsoil of at least 36 inches over sandstone and has a percolation rate of one inch in 60 minutes or less.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Lemaster	Smith	
Bailey	Glass	Little	Taylor	
Barron	Goodwin	McDonald	Teague	
Britnell	Gulledge	Mitchem	Vacca	
Callahan	Hall	Pearson	Weeks	
Cook	Holmes	Proctor	White	
Denton	Keener			—25

Nays: —0

The Bill:

S. 579. Relating to Montgomery County; providing that in addition to all presently existing pistol permit fees, there is hereby levied an additional pistol permit issuance fee in the amount of $5.00; providing that $3.00 of said additional fee be paid into the county treasury for the establishment and maintenance of a fund which is hereby designated and entitled as the "Sheriff's Fund"; providing for the use of said "Sheriff's Fund"; providing that $1.00 of the additional fee collected shall be credited to the county's portion of contribution for Class II employees, under any retirement plan in effect in said county; the remaining $1.00 of the additional fee collected shall be credited to the general fund of the county.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following substitute for the Bill, S. B. 579, to-wit:

COMMITTEE SUBSTITUTE FOR S. B. NO. 579

A BILL
TO BE ENTITLED
AN ACT

Relating to Montgomery County; providing that in addition to all presently existing pistol permit fees, there is hereby levied an additional pistol permit issuance fee in the amount of $5.00; providing that $3.00 of said additional fee be paid into the county treasury for the establishment and

maintenance of a fund which is hereby designated and entitled as the "Sheriff's Fund"; providing for the use of said "Sheriff's Fund"; providing that $1.00 of the additional fee collected shall be credited to the County's portion of contribution for all county employees, under any retirement plan in effect in said county; the remaining $1.00 of the additional fee collected shall be credited to the general fund of the county.

Be It Enacted by the Legislature of Alabama:

Section 1. The Sheriff of Montgomery County shall collect an additional fee of $5.00 for each pistol permit issued by him. The said fee shall be in addition to any other fees required by law to be charged for the issuance of a pistol permit. The sheriff shall pay all such fees to the county treasurer or other custodian of county funds, who shall disburse the said additional fee as hereinafter prescribed in Sections 2 and 3.

Section 2. (a) The treasurer or other custodian of county funds shall pay $3.00 of said additional fee into a fund known as the "Sheriff's Fund" hereinafter established in Section 3 of this Act.

(b) The treasurer or other custodian of county funds shall pay $1.00 of said additional fee to be credited to the county portion of contribution for all county employees under any retirement plan in effect in Montgomery County.

(c) The treasurer or other custodian of county funds shall pay $1.00 of said additional fee into the general fund of Montgomery County.

Section 3. (a) A fund which shall be known as the "Sheriff's Fund" is hereby established, to be expended by the sheriff in law enforcement work as provided in subsection (b) of this section.

(b) The sheriff or his appointed agent is hereby authorized and empowered to make requisition to the county treasurer or other custodian of county funds on said "Sheriff's Fund" for the payment of any and all expenses for the good and improvement of law enforcement and in the proper discharge and the conduct of the duties of the sheriff's office in Montgomery. The county treasurer or other custodian of county funds shall immediately pay out such funds upon requisition by the sheriff or his appointed agent, and the approval of the county commission.

(c) The establishment of the Sheriff's Fund as provided in this Act, and the use of such funds, shall in no way diminish or take the place of any other imbursement or source of income established for the sheriff in the operation of his office.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. The provisions of this Act are cumulative and shall not be construed to repeal or supersede any laws or parts of laws not directly inconsistent herewith.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Glass	Little	Smith	
Bailey	Goodwin	Martin	Taylor	
Barron	Hall	Miller	Teague	
Callahan	Harrison	Pearson	Vacca	
Cook	Holmes	Proctor	Weeks	
Denton	Keener	St. John	White	
Figures	Kirkland			—25

And said Bill, S. B. 579, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Glass	Little	Smith	
Bailey	Goodwin	Martin	Taylor	
Barron	Hall	Miller	Teague	
Callahan	Harrison	Pearson	Vacca	
Cook	Holmes	Proctor	Weeks	
Denton	Keener	St. John	White	
Figures	Kirkland			—25

Nays: —0

RESOLUTION

Mr. Little offered the following Senate Joint Resolution, to-wit:

S. J. R. 135. CALLING AN IMMEDIATE HALT TO THE DESTRUCTION OF TREES AND SHRUBS SURROUNDING THE CAPITOL.

WHEREAS, in the course of constructing scaffolding for the renovation of our Capitol, numerous trees and shrubs in close proximity and adjacent to the Capitol are being demolished; and

WHEREAS, the landscaping of the grounds is an integral part of the beauty of our historic Capitol and much of the flora, years in maturing, is being mutilated beyond recovery or redemption; and

WHEREAS, to our knowledge, no assessment has been made as to the necessity for such destruction nor has there been a study of alternatives; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there be an immediate halt to the destruction, and perhaps entirely unnecessary, destruction of trees and shrubs surrounding the Capitol, pending an investigation into alternatives which surely must be available.

BE IT FURTHER RESOLVED, That no further trees, shrubs or other landscaping be cut, trimmed or destroyed until this body is satisfied that such measures are absolutely mandatory for the renovation of our Capitol

Which was read and referred to the Standing Committee on Rules.

INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Proctor (with notice and proof):

S. 635. Relating to the method of giving notice of the requirement of attendance of jury service and the procedure for summoning witnesses in Shelby County; to provide that witnesses may be subpoenaed by United States mail in the county under certain conditions.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 635, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Mitchem (with notice and proof):

S. 636. Relating to Marshall County; to provide further for the powers and duties of the county commission; to ratify and confirm certain expenditures heretofore made to the custodian of voting machines; and to provide further for the method of compensation of said custodian by the county commission.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 636, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Vacca:

S. 637. To provide for the payment of state supplemental security income payments to certain individuals who are blind; to provide for the administration of this Act by the state department of pensions and security; and to appropriate funds to carry out the provisions of this Act.

Committee on Finance and Taxation.

By Mr. Little (with notice and proof):

S. 638. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Alexander City, in Tallapoosa County.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 638, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Lemaster (with notice and proof):

S. 639. Relating to Jackson County; to provide for the distribution of funds received by the county from payments in lieu of taxes made by the Tennessee Valley Authority.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 639, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Lemaster (with notice and proof):

S. 640. Relating to Jackson County; relating to the county commission; creating a department of public works for the county; providing for the construction, maintenance and repair of county roads and bridges; providing for the classification and responsibilities of certain employees and their compensation therefor; providing for duties of a county engineer; establishing temporary additional expense allowances for the chairman and members of the Jackson County Commission for a period during the transition from a "captive county" highway program to a county system; and providing that the provisions of this act shall be contingent on the passage of certain legislation.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 640, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Lemaster (with notice and proof):

S. 641. Relating to Dekalb County; relating to the county commission; creating a department of public works for the county; providing for the construction, maintenance and repair of county roads and bridges; providing for the classification and responsibilities of certain employees and their compensation therefor; providing for duties of a county engineer; establishing temporary additional expense allowances for the chairman and members of the Dekalb County Commission for a period during the transition from a "captive county" highway program to a county system; and providing that the provisions of this act shall be contingent on the passage of certain legislation.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 641, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. St. John:

S. 642. To further provide for and raise revenue for the State of Alabama; to levy an additional tax of 3% on the sale of spirituous or vinous liquors sold by the Alabama Alcoholic Beverage Control Board and on table wine sold by table wine wholesalers in counties wherein said table wine wholesalers are licensed; to provide for the collection of said tax and the distribution thereof to the State Public Welfare Trust Fund and to the Special Mental Health Fund.

Committee on Finance and Taxation.

LOCAL BILLS ON THIRD READING RESUMED

The Bill:

S. 585. Relating to Elmore County; to alter, re-arrange and extend the boundary lines and corporate limits of the City of Millbrook in Elmore County, Alabama and to set the limits of the police jurisdiction.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Glass	Little	Smith	
Bailey	Goodwin	Martin	Taylor	
Barron	Hall	Miller	Teague	
Callahan	Harrison	Pearson	Vacca	
Cook	Holmes	Proctor	Weeks	
Denton	Keener	St. John	White	
Figures	Kirkland			—25
Nays:				—0

The Bill:

S. 592. Relating to Etowah County; providing for the salaries of the chairman of the county commission and the members of such commission.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Glass	Martin	Smith	
Bailey	Goodwin	Miller	Taylor	
Barron	Hall	Mitchem	Teague	
Callahan	Harrison	Pearson	Vacca	
Cook	Holmes	Proctor	Weeks	
Denton	Keener	St. John	White	
Figures	Little			—25
Nays:				—0

The Bill:

H. 155. To change the compensation of the probate judge of Shelby County, Alabama.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs:	Callahan	Figures	Hall
Bailey	Cook	Glass	Harrison
Barron	Denton	Goodwin	Holmes

Keener	Miller	Smith	Vacca	
Kirkland	Pearson	Taylor	Weeks	
Little	Proctor	Teague	White	
Martin	St. John			—25

Nays: —0

The Bill:

H. 212. To correct a discrepancy in the boundary line of Chilton and Bibb Counties in the procedure provided by Section 39 of the Alabama Constitution.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs:	Glass	Little	Smith	
Bailey	Goodwin	Martin	Taylor	
Barron	Hall	Miller	Teague	
Callahan	Harrison	Pearson	Vacca	
Cook	Holmes	Proctor	Weeks	
deGraffenried	Keener	St. John	White	
Denton	Kirkland			—25

Nays: —0

The Bill:

H. 736. Relating to Mobile County; to provide that any master plumber, journeyman plumber, plumber apprentice or other person qualified to perform plumbing work under the plumber licensing laws of Alabama shall be exempt from taking any further examination in order to obtain any county or municipal license to do business in such county or municipality.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs:	Glass	Little	Smith	
Bailey	Gulledge	Martin	Taylor	
Barron	Hall	Miller	Teague	
Callahan	Harrison	Pearson	Vacca	
Cook	Holmes	Proctor	Weeks	
Denton	Keener	St. John	White	
Figures	Kirkland			—25

Nays: —0

The Bill:

H. 801. To amend Section 6 of Act No. 608 approved by the Alabama Legislature on September 4, 1951, by increasing the amount of compensation to the Sheriff's attorney.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs:	Glass	Little	Smith	
Bailey	Goodwin	Martin	Taylor	
Barron	Hall	Miller	Teague	
Callahan	Harrison	Pearson	Vacca	
Cook	Holmes	Proctor	Weeks	
Denton	Keener	St. John	White	
Figures	Kirkland			—25
Nays:				—0

The Bill:

H. 824. Relating to Shelby County; to amend Sections 3, 4, 5, 10, 11, 13 and 15 of Act No. 62, H. 213, First Special Session 1977, (Acts 1977, p. 1483), which relates to districts for fighting or preventing fires, so as to further provide for elections concerning such districts, trustees, interim trustees, and service charges and filling vacancies on the Board of Trustees; to prescribe the powers of the district; and to exempt districts created under the act from all taxes, including license and excise taxes, levied by the state, any county, municipality or other political subdivision of the state; and to exempt such districts from payment of certain charges to judges of probate.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs:	Glass	Little	Smith	
Bailey	Goodwin	Martin	Taylor	
Barron	Hall	Miller	Teague	
Callahan	Harrison	Pearson	Vacca	
Cook	Holmes	Proctor	Weeks	
Denton	Keener	St. John	White	
Figures	Kirkland			—25
Nays:				—0

REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 135. CALLING AN IMMEDIATE HALT TO THE DESTRUCTION OF TREES AND SHRUBS SURROUNDING THE CAPITOL.

On motion of Mr. Little, said Resolution was then adopted by the Senate.

BILLS RE-COMMITTED

Mr. Teague, Chairman of the Standing Committee on Commerce, Transportation, and Utilities, reported that said Committee, in session, had acted on the following Bill, H. B. 99, and ordered same returned to the Senate with the recommendation that it be re-committed.

And the President and Presiding Officer of the Senate ordered said Bill, H. B. 99, re-committed to the Standing Committee on Commerce, Transportation, and Utilities.

LOCAL BILLS ON THIRD READING RESUMED

The Bill:

H. 857. Relating to Shelby County; to provide further for the compensation of certain poll officials and poll workers.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs:	Glass	Little	Smith	
Bailey	Goodwin	Martin	Taylor	
Barron	Hall	Miller	Teague	
Callahan	Harrison	Pearson	Vacca	
Cook	Holmes	Proctor	Weeks	
Denton	Keener	St. John	White	
Figures	Kirkland			—25

Nays: —0

The Bill:

H. 858. Relating to Shelby County; to require all polling places to remain open between the hours of 7:00 A.M. and 7:00 P.M. at all state and local elections held in the county; and to repeal Act No. 249, H. 873 of the 1975 Regular Session (Acts of Alabama 1975, p. 782) relating to the hours polling places remain open during elections.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs:	Glass	Little	Smith	
Bailey	Goodwin	Martin	Taylor	
Barron	Hall	Miller	Teague	
Callahan	Harrison	Pearson	Vacca	
Cook	Holmes	Proctor	Weeks	
Denton	Keener	St. John	White	
Figures	Kirkland			—25

Nays: —0

The Bill:

H. 864. Relating to Choctaw County; to give the county commission certain powers and authority in regard to constructing and maintaining roads and driveways leading to schools, churches, church owned cemeteries, and private dwellings.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs:	Glass	Little	St. John	
Bailey	Goodwin	Martin	Smith	
Barron	Hall	Miller	Taylor	
Callahan	Harrison	Pearson	Teague	
Cook	Holmes	Proctor	Vacca	
Denton	Keener	Robertson	White	
Figures	Kirkland			—25

Nays: —0

The Bill:

H. 865. To provide for a certain increase in court costs in the Choctaw County division of the First Judicial Circuit of this state with a portion of the proceeds from such increase to be earmarked for the salaries of deputies sheriff in Choctaw County.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs:	Glass	Little	Smith	
Bailey	Goodwin	Martin	Taylor	
Barron	Hall	Miller	Teague	
Callahan	Harrison	Pearson	Vacca	
Cook	Holmes	Proctor	Weeks	
Denton	Keener	Robertson	White	
Figures	Kirkland	St. John		—25

Nays: —0

The Bill:

H. 866. Relating to Bibb County; prescribing the meeting dates for the county governing body.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs:	Glass	Little	Smith	
Bailey	Goodwin	Martin	Taylor	
Barron	Hall	Miller	Teague	
Callahan	Harrison	Pearson	Vacca	
Cook	Holmes	Proctor	Weeks	
deGraffenried	Keener	St. John	White	
Denton	Kirkland			—25

Nays: —0

The Bill:

H. 867. Relating to Bibb County; to provide for an additional expense allowance to the chairman of the county governing body.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs:	Glass	Little	Smith	
Bailey	Goodwin	Martin	Taylor	
Barron	Hall	Miller	Teague	
Callahan	Harrison	Pearson	Vacca	
Cook	Holmes	Proctor	Weeks	
deGraffenried	Keener	St. John	White	
Denton	Kirkland			—25

Nays: —0

The Bill:

H. 868. Relating to Bibb County; to provide for an expense allowance for members of the county governing body, effective only upon the defeat at a Bibb County referendum election of a bi-unit road maintenance act for Bibb County passed at the 1979 Regular Session of the legislature.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs:	Glass	Little	Smith	
Bailey	Goodwin	Martin	Taylor	
Barron	Hall	Miller	Teague	
Callahan	Harrison	Pearson	Vacca	
Cook	Holmes	Proctor	Weeks	
deGraffenried	Keener	St. John	White	
Denton	Kirkland			—25

Nays: —0

The Bill:

H. 869. To amend Act No. 869, H. 1197, Regular Session 1969 (Acts 1969, p. 1579), which Act provides for an expense allowance for the members of the board of education in Bibb County, so as to provide further for such expense allowance.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs:	Glass	Little	Smith	
Bailey	Goodwin	Martin	Taylor	
Barron	Hall	Miller	Teague	
Callahan	Harrison	Pearson	Vacca	
Cook	Holmes	Proctor	Weeks	
deGraffenried	Keener	St. John	White	
Denton	Kirkland			—25

Nays: —0

The Bill:

H. 870. Relating to Bibb County; establishing a bi-unit road maintenance, repair and construction system; providing for two shop and storage yards; providing for the construction, maintenance and repair of public roads, highways, bridges, ferries and certain driveways under the county bi-unit systems; authorizing and requiring the county governing body to employ and regulate the compensation of a county engineer; providing for the manner of selecting said engineer; providing for the manner of selecting said engineer; prescribing his qualifications and requiring bond; defining his authority; powers and duties and those of county governing body in relation to the roads, bridges and ferries of Bibb County; providing for compensation to be paid to county officers, employees and laborers; and providing for a referendum.

was taken up.

Mr. deGraffenried offered the following amendment to the Bill, H. B. 870, to-wit:

AMENDMENT TO H. B. 870

Amend H. B. 870 as follows:

On page 1, in the title, strike line 20 in its entirety.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs:	Glass	Little	Smith	
Bailey	Goodwin	Martin	Taylor	
Barron	Hall	Miller	Teague	
Callahan	Harrison	Pearson	Vacca	
Cook	Holmes	Proctor	Weeks	
deGraffenried	Keener	St. John	White	
Denton	Kirkland			—25

Nays: —0

And said Bill, H. B. 870, as thus amended, was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs:	Glass	Little	Smith	
Bailey	Goodwin	Martin	Taylor	
Barron	Hall	Miller	Teague	
Callahan	Harrison	Pearson	Vacca	
Cook	Holmes	Proctor	Weeks	
deGraffenried	Keener	St. John	White	
Denton	Kirkland			—25

Nays: —0

The Bill:

H. 871. Relating to Bibb County; to provide for the employment of clerks, secretaries, and clerical assistants to perform duties in the office of the

Judge of Probate and in the office of the Sheriff of Bibb County; to provide for the salaries of all such employees; and to authorize the Bibb County Commission or other like governing body to pay salaries or any portion thereof of existing and future clerks, secretaries and clerical assistants employed by the Judge of Probate and the Sheriff and who are performing duties in such respective offices.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs:	Glass	Little	Smith	
Bailey	Goodwin	Martin	Taylor	
Barron	Hall	Miller	Teague	
Callahan	Harrison	Pearson	Vacca	
Cook	Holmes	Proctor	Weeks	
deGraffenried	Keener	St. John	White	
Denton	Kirkland			—25

Nays: —0

The Bill:

H. 876. To amend Act No. 107 adopted February 14, 1956, as amended by Act No. 155, adopted August 2, 1957, as amended by Act No. 455, approved September 6, 1957, as amended by Act No. 235, approved August 15, 1963, such original Act creating and providing for in the City of Prichard, Alabama, a special fund to be known as the Municipal Employees Pension and Relief Fund. In addition to the provisions already enacted, this amendment amends Section IX by changing in Section IX the payments of monthly benefits from one (1) year to five (5) years and amends Section X dealing with employees while performing their duties becomes or is found to be physically, mentally or permanently disabled to be retired and to be paid from the said fund a sum equal to sixty per cent (60%) of his or her compensation as provided in Section X. This Amendment deletes from said Section X the five (5) year period for which said retirement shall be payable.

was taken up.

Mr. Figures offered the following amendment to the Bill, H. B. 876, to-wit:

AMENDMENT TO H. B. 876

Amend H. B. 876 as follows:

At the top of Page 1 insert the following:

"A BILL TO BE ENTITLED AN ACT"

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs:	Callahan	Figures	Hall
Bailey	Cook	Glass	Harrison
Barron	Denton	Gulledge	Holmes

Keener	Miller	Smith	Vacca	
Kirkland	Pearson	Taylor	Weeks	
Little	Proctor	Teague	White	
Martin	St. John			—25

Nays: —0

And said Bill, H. B. 876, as thus amended, was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Glass	Little	Smith	
Bailey	Goodwin	Martin	Taylor	
Barron	Hall	Miller	Teague	
Callahan	Harrison	Pearson	Vacca	
Cook	Holmes	Proctor	Weeks	
Denton	Keener	St. John	White	
Figures	Kirkland			—25

Nays: —0

The Bill:

H. 882. To amend Section 9-11-190 ofthe Code of Alabama 1975 relating to the catching of nongame fish from public waters by use of wire baskets so as to specify the mesh size of baskets to be used in public waters of Choctaw County.

was taken up.

On motion of Mr. Robertson, further consideration of the Bill, H. B. 882, was postponed until the Twenty-Seventh Legislative Day.

The Bill:

S. 567. To define the power of the governing body of municipalities located in Jefferson County, and the power of the Jefferson County Commission, to set rates of pay of employees and to provide for other job benefits of employees and to provide for rights of governmental employees, employed by municipalities located in Jefferson County and employed by Jefferson County to due process of law, before being deprived of benefits of government employment.

was taken up.

The Standing Committee on Local Legislation No. 2 reported the following amendment to the Bill, S. B. 567, to-wit:

COMMITTEE AMENDMENT TO S. B. 567

Amend Senate Bill 567 by striking Sections 7, 8 and 9 except for the first six lines of Section 7 ending with a period after the word "amended)".

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Goodwin	Martin	Smith	
Bailey	Hall	Miller	Taylor	
Barron	Harrison	Parsons	Teague	
Callahan	Holmes	Pearson	Vacca	
Cook	Keener	Proctor	Weeks	
Denton	Kirkland	St. John	White	
Glass	Little			—25
Nays:				—0

And said Bill, S. B. 567, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Goodwin	Martin	Smith	
Bailey	Hall	Miller	Taylor	
Barron	Harrison	Parsons	Teague	
Callahan	Holmes	Pearson	Vacca	
Cook	Keener	Proctor	Weeks	
Denton	Kirkland	St. John	White	
Glass	Little			—25
Nays:				—0

The Bill:

H. 153. Relating to Jefferson County; to amend Act No. 261, H. 1462, Regular Session, 1975, (Acts of 1975, p. 795) an act fixing supplemental salaries for each District Court Judge in Jefferson County, Alabama.

was taken up.

Mr. White offered the following amendment to the Bill, H. B. 153, to-wit:

AMENDMENT TO H. B. 153

Amend H. B. 153 as follows:

At the top of page 1 insert the following:

"A BILL TO BE ENTITLED"

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Goodwin	Martin	Smith	
Bailey	Hall	Miller	Taylor	
Barron	Harrison	Parsons	Teague	
Callahan	Holmes	Pearson	Vacca	
Cook	Keener	Proctor	Weeks	
Denton	Kirkland	St. John	White	
Glass	Little			—25
Nays:				—0

And said Bill, H. B. 153, as thus amended, was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Goodwin	Martin	Smith	
Bailey	Hall	Miller	Taylor	
Barron	Harrison	Parsons	Teague	
Callahan	Holmes	Pearson	Vacca	
Cook	Keener	Proctor	Weeks	
Denton	Kirkland	St. John	White	
Glass	Little			—25
Nays:				—0

The Bill:

H. 619. To amend further Act No. 929, S. 676, Regular Session 1951 (Acts 1951, p. 1579), as extensively amended by Act No. 1272, S. 620, Regular Session 1973 (Acts 1973, p. 2124), and other amendatory acts, which relate to the establishment of a pension and relief or retirement and relief system for officers, employees, or their dependents, of any city having a population of 250,000 according to the 1970 or any subsequent federal decennial census, so as to provide further for the definitions of "full time employee" and "qualified employee" and to provide further for new participants' credit for certain prior service.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Goodwin	Martin	Smith	
Bailey	Hall	Miller	Taylor	
Barron	Harrison	Parsons	Teague	
Callahan	Holmes	Pearson	Vacca	
Cook	Keener	Proctor	Weeks	
Denton	Kirkland	St. John	White	
Glass	Little			—25
Nays:				—0

The Bill:

H. 286. Proposing an amendment to the Constitution of 1901, as amended, so as to create the office of Assistant Judge of Probate of Jefferson County; prescribing the qualifications for such office.

was taken up.

The Standing Committee on Local Legislation No. 2 reported the following substitute for the Bill, H. B. 286, to-wit;

COMMITTEE SUBSTITUTE FOR H. B. 286

A BILL
TO BE ENTITLED
AN ACT

Proposing an amendment to the Constitution of 1901, as amended, so as to create an additional probate judgeship in Jefferson County.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of 1901, as amended, is proposed and shall become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation by the Governor.

PROPOSED AMENDMENT

Additional Probate Judgeship for Jefferson County.

In Jefferson County there shall be an additional probate judgeship, designated probate judgeship No. 2. Such judge shall be learned in the law, over the age of twenty-five years and a resident of the County for one year next preceding the date of taking office. The additional judgeship shall be filled by appointment by the Governor within ten days after the approval of this amendment by the electors and proclamation of the Governor. The appointee shall hold office until his successor is elected and qualified as provided by Article VI. The judge for the additional judgeship shall be elected thereafter as are other probate judges in this state.

The existing probate judgeship in Jefferson County shall be designated judgeship No. 1. The present judge shall be the presiding judge until the expiration of his term of office and thereafter the judge who has been in office as probate judge the longest shall be the presiding judge, but if neither of them has been in office longer than the other, the chief justice of the supreme court shall name the presiding judge. Candidates for the office of probate judge in Jefferson County shall designate whether they are candidates for the office of probate judge No. 1 or for the office of probate judge No. 2.

The probate judge appointed or elected for probate judgeship No. 2 shall have and exercise all the jurisdiction, power, right and authority; he shall possess all of the qualifications, perform all of the duties required, and he shall be subject to all the pains and penalties of such office as any other such judge is subject to in Jefferson County.

The compensation of such judge, including expense allowances and supplements, shall be paid in the same amount as that of the other probate judge in the County.

The presiding judge of the probate court in Jefferson County shall have precedence and preside at any session of court which he attends. The presiding judge shall divide the work and business of the probate court among the judges and other employees of the court and shall assign the cases to the judges of said court. The presiding judge shall employ and appoint any and all clerks, clerical help and other assistants and court officers of the probate court allowed by law. The administrative powers and duties of the probate judges and the probate court shall be under the general authority, supervision and direction of the presiding judge. Whenever the probate judges cannot agree upon any administrative matter, the presiding judge shall decide and determine such administrative matter for said judges and the court.

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Sections 17-17-1 through 17-17-6 of the Code of Alabama 1975.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the state. If a newspaper is not published in the county, a copy of the notice shall be posted at the courthouse and in three other places in the county.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Goodwin	Martin	Smith	
Bailey	Hall	Miller	Taylor	
Barron	Harrison	Parsons	Teague	
Callahan	Holmes	Pearson	Vacca	
Cook	Keener	Proctor	Weeks	
Denton	Kirkland	St. John	White	
Glass	Little			—25

Nays: —0

And said Bill, H. B. 286, as thus amended by the substitute, was read a third time at length as required by the Constitution and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Goodwin	Martin	Smith	
Bailey	Hall	Miller	Taylor	
Barron	Harrison	Parsons	Teague	
Callahan	Holmes	Pearson	Vacca	
Cook	Keener	Proctor	Weeks	
Denton	Kirkland	St. John	White	
Glass	Little			—25

Nays: —0

The Bill:

S. 583. Providing an expense allowance for the chairman and members of the Winston County Commission.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Glass	Little	Smith	
Bailey	Goodwin	Martin	Taylor	
Barron	Hall	Miller	Teague	
Callahan	Harrison	Pearson	Vacca	
Cook	Holmes	Proctor	Weeks	
Denton	Keener	St. John	White	
Figures	Kirkland			—25

Nays: —0

The Bill:

S. 584. Relating to Winston County; to provide for the disposition of proceeds of any coal and lignite severance tax distributed to the county by the state; to repeal Act Number 75, H. 50, 1978 Second Special Session, (Acts 1978, p. 1764).

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Glass	Little	Smith	
Bailey	Goodwin	Martin	Taylor	
Barron	Hall	Miller	Teague	
Callahan	Harrison	Pearson	Vacca	
Cook	Holmes	Proctor	Weeks	
Denton	Keener	St. John	White	
Figures	Kirkland			—25

Nays: —0

The Bill:

H. 399. Relating to the eighth judicial circuit consisting of Morgan County; to amend Section 4 of Act No. 377, S. 182 of the Regular Session 1978 (Acts 1978, p. 332) which act creates a thirty-ninth judicial circuit and which section provides for the designation of existing judgeships in the eighth judicial circuit and provides for the naming of the presiding judge of such circuit, so as to provide further for the selection process of the presiding judge of the eighth judicial circuit as prescribed by the Alabama Rules of Judicial Administration.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Glass	Little	Smith	
Bailey	Goodwin	Martin	Taylor	
Barron	Hall	Miller	Teague	
Callahan	Harrison	Pearson	Vacca	
Cook	Holmes	Proctor	Weeks	
Denton	Keener	St. John	White	
Figures	Kirkland			—25

Nays: —0

The Bill:

H. 724. To extend, alter and rearrange the boundaries and corporate limits of the City of Decatur, a municipal corporation in the State of Alabama so as to include within the corporate limits of the City of Decatur certain adjacent territory.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Goodwin	Little	Smith	
Bailey	Hall	Martin	Taylor	
Barron	Harrison	Miller	Teague	
Callahan	Holmes	Pearson	Vacca	
Cook	Keener	Proctor	Weeks	
Denton	Kirkland	St. John	White	
Glass	Lemaster			—25
Nays:				—0

REPORT OF
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, respectively, and finds same correctly enrolled, to-wit:

S. 181. Relating to Lauderdale County; to provide the fee which may be charged by the Judge of Probate for celebrating the rites of matrimony and authorizing him to retain such fee for his personal use.

Also:

S. 182. Relating to Lauderdale County: providing for an additional expense allowance for county commissioners.

Also:

S. 183. Relating to Lauderdale County: to provide further compensation and expense allowance for certain county officials.

Also:

S. 475. Relating to Etowah County; to further provide for the preparation of the lists of qualified electors which the judge of probate is required to furnish the election inspectors; and to provide for the expenses of the judge of probate for preparation of such lists.

ALBERT McDONALD,
Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing report from the Committee on Rules.

LOCAL BILLS ON THIRD READING RESUMED

The Bill:

H. 851. Relating to Morgan County; to amend Act No. 380, S. 556, 1976 Regular Session (Acts 1976, p. 480), entitled, "An Act Relating to Morgan County; to provide for the Morgan County Board of Education, its

members, their districts, qualifications, election and removal from office; and repealing conflicting laws," so as to further provide for the election of said members.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Goodwin	Little	Smith	
Bailey	Hall	Martin	Taylor	
Barron	Harrison	Miller	Teague	
Callahan	Holmes	Pearson	Vacca	
Cook	Keener	Proctor	Weeks	
Denton	Kirkland	St. John	White	
Glass	Lemaster			—25

Nays: —0

The Bill:

H. 852. Relating to Morgan County; to authorize the Morgan County Commission to furnish the coroner of said county an automobile for use in the performance of his official duties.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Glass	Little	Smith	
Bailey	Goodwin	Martin	Taylor	
Barron	Hall	Miller	Teague	
Callahan	Harrison	Pearson	Vacca	
Cook	Holmes	Proctor	Weeks	
Denton	Keener	St. John	White	
Figures	Kirkland			—25

Nays: —0

The Bill:

H. 853. To amend Act No. 636, H. 977, 1978 Regular Session (Acts 1978, p. 901), entitled, "An Act to authorize certain expense allowances for the members of the board of education in Morgan County," so as to provide further for out-of-county expenses incurred by said members; and to ratify and confirm expenditures made in the county pursuant to Act No. 477, 1967 Regular Session or Act No. 656, 1969 Regular Session; and to provide that certain provisions hereof shall have retroactive effect.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Callahan	Figures	Hall
Bailey	Cook	Glass	Harrison
Barron	Denton	Goodwin	Holmes

Keener	Miller	Smith	Vacca	
Kirkland	Pearson	Taylor	Weeks	
Little	Proctor	Teague	White	
Martin	St. John			—25

Nays: —0

The Bill:

H. 879. To extend, alter and rearrange the boundaries and corporate limits of the City of Decatur, a municipal corporation in the State of Alabama so as to include within the corporate limits of the City of Decatur certain adjacent territory.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Goodwin	Little	Smith	
Bailey	Hall	Martin	Taylor	
Barron	Harrison	Miller	Teague	
Callahan	Holmes	Pearson	Vacca	
Cook	Keener	Proctor	Weeks	
Denton	Kirkland	St. John	White	
Glass	Lemaster			—25

Nays: —0

The Bill:

H. 880. Relating to Morgan County; to place certain limitations on the amount of time which the records of certain registrations and licenses issued and renewed by the judge of probate and license commissioner of said county must be retained on file.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Goodwin	Little	Smith	
Bailey	Hall	Martin	Taylor	
Barron	Harrison	Miller	Teague	
Callahan	Holmes	Pearson	Vacca	
Cook	Keener	Proctor	Weeks	
Denton	Kirkland	St. John	White	
Glass	Lemaster			—25

Nays: —0

The Bill:

H. 889. Relating to Morgan County; to prescribe the method whereby a fee may be charged by the Judge of Probate for celebrating the rites of matrimony after normal courthouse hours and authorizing him to retain such fee for his personal use.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Goodwin	Little	Smith	
Bailey	Hall	Martin	Taylor	
Barron	Harrison	Miller	Teague	
Callahan	Holmes	Pearson	Vacca	
Cook	Keener	Proctor	Weeks	
Denton	Kirkland	St. John	White	
Glass	Lemaster			—25

Nays: —0

The Bill:

H. 894. Relating to the management of the public records of Morgan County; providing for the photographing or microphotographing of such public records and for the admissibility in evidence of photographed or microphotographed copies of records required to be kept by public officers of Morgan County, and for payment of the cost incurred in the purchase of photographic or microphotographic equipment; to authorize the photographing or microphotographing of old documents and records presently held as public records of Morgan County; to authorize the destruction of old documents not otherwise stored with the State Department of Archives and History.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Goodwin	Little	Smith	
Bailey	Hall	Martin	Taylor	
Barron	Harrison	Miller	Teague	
Callahan	Holmes	Pearson	Vacca	
Cook	Keener	Proctor	Weeks	
Denton	Kirkland	St. John	White	
Glass	Lemaster			—25

Nays: —0

The Bill:

H. 904. To alter, rearrange and extend the boundary lines and corporate limits of the Town of Grove Hill, in Clarke County, Alabama.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Glass	Little	Smith	
Bailey	Goodwin	Martin	Taylor	
Barron	Hall	Miller	Teague	
Callahan	Harrison	Pearson	Vacca	
Cook	Holmes	Proctor	Weeks	
Denton	Keener	St. John	White	
Figures	Kirkland			—25

Nays: —0

CONSENT CALENDAR

The Bill:

S. 180. To amend Section 40-12-21 of the Code of Alabama 1975 relating to license records to be kept by judges of probate or license commissioners so as to provide further for the keeping of such records.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

Yeas:

Messrs.:	Figures	Kirkland	St. John	
Barron	Goodwin	Lemaster	Taylor	
Clemon	Higginbotham	Martin	Teague	
Cook	Holmes	Pearson	White	
deGraffenried	Keener	Proctor		—18

Nays: —0

The Bill:

S. 357. To further provide for the procedure in a petition for the sale for division of property held by joint owners or tenants in common so as to provide for the purchase of the interests of the joint owners or tenants in common filing for the partition by the other joint owners or tenants in common.

was taken up.

Under the provisions of Senate Rule 14 (4), Mr. Figures was granted unanimous consent to take up the Bill:

H. 533. To further provide for the procedure in a petition for the sale for division of property held by joint owners or tenants in common so as to provide for the purchase of the interests of the joint owners or tenants in common filing for the partition by the other joint owners or tenants in common.

in place of the Consent Calendar Bill, S. B. 357.

And said Bill, H. B. 533, was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Little	St. John	
Bailey	Goodwin	Martin	Smith	
Barron	Harrison	Miller	Taylor	
Britnell	Holmes	Mitchem	Teague	
Clemon	Keener	Parsons	Weeks	
Cook	Kirkland	Pearson	White	
Denton	Lemaster			—25

Nays: —0

BILL INDEFINITELY POSTPONED

On motion of Mr. Figures, consideration of the Bill, S. B. 357, was indefinitely postponed.

RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 136. RESOLVED BY THE SENATE That the following business in the order named be special and paramount order of business upon reaching bills on 3rd reading for the 25th Legislative Day:

Bill No.	Page No.	Description
S. B. 242	48	Primary Elections
S. B. 150	28	Cert. probate judges, min. sal.
S. B. 33	4	Cancelling share of a corp., procedure
S. B. 295	7	Approp. Talladega Coll.
S. B. 296	6	Approp. Tuskegee Inst.
S. B. 297	7	Approp. Marion Military Inst.
S. B. 298	8	Approp., Walker Co. Jr. College
S. B. 299	8	Approp. Lyman Ward Military Acad.
S. B. 20	2	Reg. of sale of cert. school courses
S. B. 589	97	Suppl. approp., cert. co's & cities, maint. of prisoners
S. B. 343	44	Waiver of exemption rights
S. B. 190	32	Cleburne, cap. outlay cond. approp.
S. B. 324	68	Energy conservation building code
S. B. 340	46	Solar Energy, inc. tax credit
S. B. 381	96	Marshall, No. of district judges
S. B. 354	37	Fire Fighters' pers. standards & ed. comm.
S. B. 543	59	Teacher competency tests
S. B. 500	105	ABC Board approp. increased
S. B. 521	73	Health Care resp. act
S. B. 577	107	Co. & city bd. of ed. to borrow against warrants
S. B. 382	75	Program of abandoned mine reclamation
S. B. 512	67	Non-profit corp. Act amended
S. B. 178	21	Forest law. enf. off. auth.
S. B. 245	9	St. Forestry Comm., LEO, certain powers
S. B. 358	42	St. Bd. of Social Work Exam. prop.
S. B. 193	45	Chief Exam. of pub. accts. & asst. salary
S. B. 580	109	Fuel adj. clause, H'way Dept. & priv. cont.
S. B. 328	80	Nuclear facilities, emp. crim. records

S. B. 368	31	School bldg., const. retainage
S. B. 86	74	Hosp. ins. to inc. serv. of social worker
S. B. 27	4	Trucks w/cert. rd. bldg. mat. exempt PSC reg.
S. B. 338	24	Oil redefined
H. B. 157	35	Real Estate
S. B. 397	50	Int. compact on placement of children
H. B. 24	36	Unclassified employees

And said Resolution was adopted by the Senate.

RECESS

At 4:20 P.M., on motion of Mr. St. John, the Senate took a recess until 5 o'clock P.M.

The recess period having expired, the Senate was called to order by Lieutenant Governor McMillan. A quorum of the Senate was present.

CONSENT CALENDAR

BILLS ON THIRD READING RESUMED

The Bill:

S. 402. To amend Section 17-4-25 of the Code of Alabama 1975 relating to the clerical assistants and help for the judge of probate for the preparation of the list of qualified electors which the judge of probate is required to furnish the election inspectors.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 23; Nays 0.

Yeas:

Messrs.:	Denton	Kirkland	Parsons
Bailey	Goodwin	Lemaster	Pearson
Barron	Hall	Little	St. John
Britnell	Higginbotham	Martin	Smith
Cook	Holmes	Miller	Teague
deGraffenried	Keener	Mitchem	White

—23

Nays: —0

LOCAL BILLS

The Bill:

H. 830. Relating to Calhoun County; to repeal Act No. 610, Acts of Alabama, Regular Session 1978, Relating to the offices of the tax assessor, tax collector, license commissioner, probate judge and coroner in Calhoun County; to authorize the tax assessor to appoint a deputy assessor; to authorize the tax collector to appoint a deputy coroner; to establish the duties of such deputies; and to prescribe the respective salaries to be fixed by the county commission.

was taken up.

Mr. Teague offered the following amendment to the Bill, H. B. 830, to-wit:

AMENDMENT TO H. B. 830

Amend H. B. 830 as follows:

On page 1, in the title, strike lines 25 through 28 in their entirety and substitute in lieu thereof the following:

"assessor to appoint a deputy tax assessor; to authorize the tax collector to appoint a deputy tax collector; to authorize the coroner to appoint a deputy coroner; to establish the duties of such deputies; and to prescribe the respective salaries to be fixed by the county commission."

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Little	Smith	
Bailey	Glass	Martin	Taylor	
Barron	Goodwin	Miller	Teague	
Callahan	Hall	Pearson	Vacca	
Clemon	Harrison	Proctor	Weeks	
Cook	Holmes	St. John	White	
Denton	Keener			—25
Nays:				—0

And said Bill, H. B. 830, as thus amended, was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Little	Smith	
Bailey	Glass	Martin	Taylor	
Barron	Goodwin	Miller	Teague	
Callahan	Hall	Pearson	Vacca	
Clemon	Harrison	Proctor	Weeks	
Cook	Holmes	St. John	White	
Denton	Keener			—25
Nays:				—0

CONSENT CALENDAR

The Bill:

S. 461. To provide that it shall be unlawful for anyone to willfully throw or cast headlights or any rays of artificial light from any motor vehicle in any field, woodland or forest in an attempt to locate deer or any other wildlife with the exception of farmers who may do so while checking livestock on owned, leased or rented land; and to provide for penalties.

was taken up.

The Standing Committee on Agriculture, Conservation, and Forestry reported the following substitute for the Bill, S. B. 461, to-wit:

COMMITTEE SUBSTITUTE FOR S. B. 461

A BILL
TO BE ENTITLED
AN ACT

To provide that it shall be a nuisance and unlawful for anyone to willfully throw or cast headlights or any rays of artificial light from any motor vehicle in any field, woodland or forest or other real property with the exception of farmers who may do so while checking livestock on owned, leased or rented land; and to provide for penalties.

Be It Enacted by the Legislature of Alabama:

Section 1. It shall be deemed a nuisance and shall be unlawful for any person, or one or more of a group of persons together, to willfully throw or cast, or cause to be thrown or cast, the rays of a spotlight, headlight, or other artificial light from any motor vehicle, with the aid of any motor vehicle, on any highway, or in any field, woodland, or forest, in a continuous or repeated manner or on any real estate between the hours of 10 p.m. and day light. The provisions of this section shall not apply to farmers while checking livestock upon land which they own, lease, or rent.

Section 2. Any violation of the provisions of this act shall be a misdemeanor and punishable by a fine or not less than fifty dollars ($50.00) nor more than one hundred dollars ($100.00).

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Mr. Denton was granted permission to suspend the Rules in order to offer a substitute for the Committee substitute for the Bill, S. B. 461, to-wit:

SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR S. B. 461

A BILL
TO BE ENTITLED
AN ACT

To provide that it shall be a nuisance and unlawful for anyone to willfully throw or cast artificial lights or rays of artificial light from any motor vehicle in any field, or other real property where a residence or out building, other structure or livestock exists with the exception of farmers who may do so while checking livestock on owned, leased or rented land; and to provide for penalties.

Be It Enacted by the Legislature of Alabama:

Section 1. It shall be deemed a nuisance and shall be unlawful for any person, or one or more of a group of persons together, between the hours of 10 p.m. and daylight, to willfully throw a cast, or cause to be thrown or cast, in a continuous and repeated manner, the rays of a spotlight, headlight, or other artificial light from any motor vehicle or with the aid of any motor vehicle,

while the motor vehicle is on any highway or public road and casting said light on any real property, or in any field, where any residence, out building, other structure or livestock exists. The provisions of this section shall not apply to farmers while checking livestock upon land which they own, lease or rent.

Section 2. Any violation of the provisions of this act shall be a misdemeanor and punishable by a fine of not less than fifty dollars ($50.00) nor more than one hundred dollars ($100.00).

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

And the Committee substitute, as amended by the Denton substitute for the Bill, S. B. 461, was then adopted by the Senate.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Gulledge	Lemaster	Pearson	
Barron	Hall	Little	Proctor	
Britnell	Higginbotham	Martin	St. John	
Clemon	Holmes	Miller	Smith	
Cook	Keener	Mitchem	Taylor	
deGraffenried	Kirkland	Parsons	White	
Denton				—24
Nays:				—0

And said Bill, S. B. 461, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 0.

Yeas:

Messrs.:	Hall	McDonald	St. John	
Barron	Holmes	Miller	Smith	
Britnell	Keener	Mitchem	Taylor	
Cook	Little	Parsons	Weeks	
deGraffenried	Martin	Pearson	White	
Denton				—20
Nays:				—0

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 46. To repeal Act No. 786, H. 60, 1975 Regular Session (Acts of Alabama 1975, p. 1572), entitled, "An Act Relating to counties having populations of 600,000 or more according to the most recent federal decennial census; to regulate further the taking of fish from public streams and impounded waters in such counties except in municipal parks; authorizing the taking of non-game fish by the use of wire mesh baskets, on which a privilege license tax has been paid; prohibiting the sale of fish so taken; prescribing penalties for violation of this act."

Also:

H. 137. To amend Section 34-23-8 of the Code of Alabama 1975, to allow pharmacists to dispense lower cost generically equivalent drugs in lieu of prescribed brand name legend drugs under certain circumstances; and to prescribe penalties for violation.

Also:

H. 146. To amend section 32-9-25 of the Code of Alabama 1975 relating to the length of trucks, trailers and semitrailers used on the highways of Alabama so as to allow livestock trucks to measure up to 65 feet in length.

Also:

H. 238. Relating to Tuscaloosa County; to provide for the imposing, levying and collecting of an additional tax of four percent on the charge for lodging, room and personal property rental, services and accommodations furnished to transient occupants for a consideration by any hotel, motel, inn, tourist camp or tourist cabin in Tuscaloosa County; and to prescribe penalties for violations.

Also:

H. 531. Relating to Mobile County; to amend further Section 1 of Act No. 111, H. 419, Regular Session 1955 (Acts 1955, p. 356), which relates to the salary of the tax collector, so as to provide further for such salary.

Also:

H. 532. Relating to Mobile County; to amend Section 1 of Act No. 767, H. 411, Regular Session 1973 (Acts 1973, p. 1175), which relates to the salary of the tax assessor, so as to provide further for such salary.

Also:

H. 605. To authorize, provide for the licensing of, and to regulate the operation of and hunting on privately owned hunting preserves stocked by artificially propagated or "pen-raised" upland birds; to prescribe the fees for such licenses; to provide for their collection and distribution; to provide that the licensee shall be an agent vendor of hunting licenses; and to prescribe penalties for violation of this act.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, and House Joint Resolutions, your signature thereto is requested.

H. 687. To alter, rearrange and extend the boundaries and corporate limits of the City of Florence so as to annex certain adjacent territory to the City of Florence; to require that the provisions hereof shall become effective immediately, and only upon approval of the electors of the County residing within the territory proposed to be annexed voting by four separate areas as hereinafter provided; and if the electors residing in any one of the said four areas proposed to be annexed voted in favor of annexation, then such area shall be annexed, and if any one of the said four areas proposed to be annexed vote against such annexation, then such area shall not be annexed; and to require the Judge of Probate of Lauderdale County, Alabama to conduct the election after due notice thereof as herein provided.

Also:

H. 741. To direct the cancellation of promissory notes held by the Board of School Commissioners of Mobile County, Alabama executed by the S. D. Bishop Junior College in consideration of a transfer of land.

Also:

H. J. R. 262. COMMENDING THE MEMBERS OF THE MADISON COUNTY ELECTED OFFICIALS SALARY COMMISSION.

Also:

H. J. R. 267. REQUESTING RESEARCH AND ANALYSIS, BY THE ALABAMA LAW INSTITUTE, OF THE PROBLEM OF FAMILY ABUSE AND VIOLENCE IN THE STATE OF ALABAMA.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills and House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

CONSENT CALENDAR

BILLS ON THIRD READING RESUMED

The Bill:

H. 194. To amend Section 36-25-4 of the Code of Alabama 1975 relating to powers and duties of the state ethics commission so as to prohibit said commission from investigating certain complaints regarding public officials.

was read a third time at length and passed.

Yeas 20; Nays 5.

Abstaining 1.

Yeas:

Messrs.:	Figures	McDonald	St. John
Bailey	Goodwin	Mitchem	Teague
Callahan	Holmes	Parsons	Vacca
Clemon	Keener	Proctor	Weeks
deGraffenried	Kirkland	Robertson	White
Denton			—20

Nays: Messrs.: Barron, Hall, Little, Smith, Taylor. —5

Abstaining: Mr. Miller. —1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Laird and Ward (with notice and proof):

H. 924. Relating to Chambers County; to provide for the salary and mileage allowance of the county coroner.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 924, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Carothers (with notice and proof):

H. 927. To provide for and prescribe the form of government of the City of Dothan, Alabama.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 927, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Blake (with notice and proof):

H. 938. Relating to St. Clair County; to levy an additional privilege, license or excise tax upon sellers, distributors, or users of malt or brewed beverages and to provide for the distribution of the proceeds of said tax.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 938, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Cobb (with notice and proof):

H. 939. Relating to Marion County; providing for an expense allowance for each member of the county commission.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 939, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Cobb (with notice and proof):

H. 940. Relating to Marion County; to provide clerical assistance for the tax assessor and tax collector in said county.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 940, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Gilmer:

H. 941. To repeal Act No. 735, H. 1860, approved October 6, 1975, Regular Session 1975 (Acts 1975, p. 1499), entitled "An Act Relating to counties having a population of not less than 16,245 nor more than 16,300 inhabitants according to the most recent federal decennial census; to further regulate the taking, capturing or killing of wildlife in said counties; to regulate the gun and bow and arrow hunting of certain fur-bearing animals to the gun hunting deer seasons; to ban the practice of hanging bait over or near traps used for the taking of fur-bearing animals, and to require the marking of traps under certain conditions; and to provide penalties for violation of this act."

Also:

By Reps. Manley and Pegues (with notice and proof):

H. 952. Relating to Marengo County; to repeal Section 15 of Act No. 311, H. 904, 1923 Regular Session (Acts 1923, p. 188), which act establishes the county governing body, so as to remove the requirements that the county governing body annually inspect and examine public roads and bridges and meet for the purpose of hearing complaints and obtaining the views of the citizens of each district.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 952, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Manley and Pegues (with notice and proof):

H. 955. Relating to Marengo County; to provide for the office of supernumerary sheriff; and to provide for the qualifications, salaries, and manner of payment of such salaries of any such supernumerary sheriffs.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 955, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Whatley and Turnham (with notice and proof):

H. 958. Relating to Lee County; providing a salary increase for the tax assessor.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 958, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 924, 927, 938, 939, 940, 941, 952, 955, and 958. To the Committee on Local Legislation No. 1.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 23. To amend Sections 9-17-101, 9-17-102, 9-17-104, 9-17-105, 9-17-106, 9-17-107, 9-17-109 and 9-17-110 of the Code of Alabama 1975, so as to provide certain changes in the regulation of liquefied petroleum gas.

Also:

S. 70. Relating to Jefferson County; to prohibit the false personation of a peace officer and to provide a penalty therefor.

Also:

S. 71. To repeal Act No. 630, H. 941, 1978 Regular Session (Acts 1978, p. 893), entitled "An Act Relating to Jefferson County; to prescribe the civil service system status of certain truck weight inspectors and transfer agents employed in the sheriff's office of said county."

Also:

S. 496. To amend Section 10 of Act No. 2079 of the Regular Session of the Legislature of Alabama of 1971 (Ala. Acts, 1971, pp. 3335-3350) providing for the incorporation of a municipal parking authority as a public corporation in any city of the state having a population of 300,000 or more, according to the last or any subsequent federal census, so as to grant additional powers to such authority.

Also:

S. 363. To regulate further the fees for recording documents affecting the title to real property in Autauga County; and providing for the disposition of said fees.

Also:

S. 523. To further amend Section 11 of Act No. 497 of the Regular Session of the Legislature of Alabama of 1965 (Ala. Acts, 1965, pp. 717-739), as heretofore amended, which said Act established a pension system for officers and employees of Jefferson County, Alabama.

Also:

S. 524. To further amend subsection (a) of Section 4 of Act No. 497 of the Regular Session of the Legislature of Alabama of 1965 (Ala. Acts, 1965, pp. 717-739), as heretofore amended, which said Act established a pension system for officers and employees of Jefferson County, Alabama.

Also:

S. 267. To amend Sections 22-21-133 and 22-21-145 of the Code of Alabama 1975, as heretofore amended, relating to municipal hospital authorities, so as to correct certain typographical errors and to make more specific provision for certain specified publications and for the filing of amendments to the charters of municipal hospital authorities, and to specify that all the aforesaid provisions shall apply both retrospectively and prospectively.

Also:

S. 158. To require group health insurance policies, contracts and plans to offer benefits for the care and treatment of alcoholism in licensed or certified programs—and to provide for minimum levels of benefits when such coverage is elected.

JOHN W. PEMBERTON,
Clerk.

CONSENT CALENDAR

BILLS ON THIRD READING RESUMED

The Bill:

H. 303. To direct the Alabama Peanut Producers Association to provide for a referendum by the peanut growers of the state on the question of whether a system of indemnification for certain losses incurred as a result of the presence of Aspergillus flavus or freeze damage in peanuts is favored; upon a favorable vote in such referendum, to provide for the establishment of a body corporate to initiate, administer and regulate a system of indemnification to peanut farmers for certain losses incurred as a result of the presence of Aspergillus flavus or freeze damage in peanuts; to authorize such body to initiate and administer an insurance plan or to contract with underwriters to insure against certain losses caused by such mold or freeze damage; to provide for an assessment plan to finance the indemnification program; and to provide that the provisions of this act shall become operative upon the adoption of an amendment to the Constitution of Alabama empowering the legislature to authorize such indeminification program.

was read a third time at length and passed.

Yeas 22; Nays 0.

Yeas:

Messrs.:	deGraffenried	Martin	St. John	
Bailey	Gulledge	McDonald	Smith	
Barron	Hall	Miller	Teague	
Britnell	Holmes	Mitchem	Vacca	
Clemon	Kirkland	Proctor	White	
Cook	Lemaster	Robertson		—22

Nays: —0

The Bill:

H. 620. To propose an amendment to the Constitution of Alabama of 1901 authorizing the legislature to provide for an indemnification program to peanut farmers for losses incurred as a result of Aspergillus flavus or freeze damage.

was read a third time at length as required by the Constitution and passed.

Yeas 22; Nays 0.

Yeas:

Messrs.:	Gulledge	Lemaster	St. John	
Barron	Hall	Martin	Smith	
Britnell	Harrison	McDonald	Taylor	
Clemon	Holmes	Miller	Weeks	
deGraffenried	Keener	Proctor	White	
Denton	Kirkland	Robertson		—22

Nays: —0

BILLS RECONSIDERED

On motion of Mr. White, the Senate reconsidered the vote by which the Bill:

H. 286. Proposing an amendment to the Constitution of 1901, as amended, so as to create the office of Assistant Judge of Probate of Jefferson County; prescribing the qualifications for such office.

as amended, was passed.

On motion of Mr. White, the Senate reconsidered the vote by which the Bill, H. B. 286, as amended, was ordered to its third reading.

On motion of Mr. White, the Senate reconsidered the vote by which the Committee substitute for the Bill was adopted.

On motion of Mr. White, said substitute was laid on the table.

Mr. White then offered the following substitute for the Bill, H. B. 286, to-wit:

SUBSTITUTE FOR H. B. 286

A BILL
TO BE ENTITLED
AN ACT

Proposing an amendment to the Constitution of 1901, as amended, so as to create an additional probate judgeship in Jefferson County.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of 1901, as amended, is proposed and shall become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation by the Governor.

PROPOSED AMENDMENT

Additional Probate Judgeship for Jefferson County. In Jefferson County there shall be an additional probate judgeship, designated probate judgeship No. 2. Such judge shall be learned in the law, over the age of twenty-five years and a resident of the County for one year next preceding the date of taking office. The additional judgeship shall be filled by appointment by the Governor within ten days after the approval of this amendment by the electors and proclamation of the Governor. The appointee shall hold office until his successor is elected and qualified as provided by Article VI. The judge for the additional judgeship shall be elected thereafter as are other probate judges in this state.

The existing probate judgeship in Jefferson County shall be designated judgeship No. 1. The present judge shall fill judgeship No. 1 and shall be the presiding judge. Candidates for the offices of probate judge in Jefferson County shall designate whether they are candidates for the office of the presiding judgeship which shall be designated probate judgeship No. 1 or for the office of probate judgeship No. 2.

The probate judge appointed or elected for probate judgeship No. 2 shall have and exercise all the jurisdiction, power, right and authority; he shall possess all of the qualifications, perform all of the duties required, and he shall be subject to all the pains and penalties of such office as any other such judge is subject to in Jefferson County.

The expense allowances and supplements of judgeship No. 2 shall be paid in the same manner and shall be in the same amount as that of the presiding probate judge in the County. The salary of judgeship No. 2 shall be in an amount equal to 95 percent of the salary of the presiding judge in the County.

The presiding judge of the probate court in Jefferson County shall have precedence and preside at any session of court which he attends. The presiding judge shall divide the work and business of the probate court among the judges and other employees of the court and shall assign the cases to the judges of said court. The presiding judge shall employ and appoint any and all clerks, clerical help and other assistants and court officers of the probate court allowed by law. The administrative powers and duties of the probate judges and the probate court shall be under the general authority, supervision and direction of the presiding judge. Whenever the probate judges cannot agree upon any administrative matter, the presiding judge shall decide and determine such administrative matter for said judges and the court.

Section 2. An election upon this proposed amendment shall be held on the date of the first primary, general or special election held after the expiration of three months from the final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Section 17-17-1 through 17-17-6 of the Code of Alabama 1975.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the state. If a newspaper is not published in the county, a copy of the notice shall be posted at the courthouse and in three other places in the county.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Glass	Martin	Smith	
Bailey	Goodwin	Miller	Taylor	
Barron	Hall	Parsons	Teague	
Callahan	Harrison	Pearson	Vacca	
Clemon	Holmes	Proctor	Weeks	
Cook	Keener	St. John	White	
Denton	Little			—25

Nays: —0

And said Bill, H. B. 286, as thus amended by the substitute, was again read a third time at length as required by the Constitution and passed.

Yeas 25; Nays 0.

Yeas:

Messrs:	Glass	Martin	Smith	
Bailey	Goodwin	Miller	Taylor	
Barron	Hall	Parsons	Teague	
Callahan	Harrison	Pearson	Vacca	
Clemon	Holmes	Proctor	Weeks	
Cook	Keener	St. John	White	
Denton	Little			—25

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Waggoner (with notice and proof):

H. 377. To amend Section 11-50-313 of the Code of Alabama 1975, relating to boards of directors of public corporations created by municipalities for the purpose of owning, operating, and financing water, sewer, gas, and electric systems, so as to further provide for payment of compensation to the chairman and other members of the board of any such public corporation created in any city located in Jefferson County.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 377, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Holmes and Langford (with notice and proof):

H. 492. Relating to Montgomery County; to prohibit and regulate any Montgomery County or Montgomery City board, agency, committee, commission or similar type public group from holding secret meetings; and to provide that all actions taken during a meeting in violation of this act shall be null and void.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 492, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Smith (J) (with notice and proof):

H. 728. Relating to Madison County; to give the County Commission certain powers and authority in regard to performing work or services upon private property and selling material to churches, persons, firms or corporations; setting the conditions under which such work can be done or materials sold; and establishing the procedure governing work on private property or sales of materials to churches, individuals, firms or corporations.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 728, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Cheatwood (with notice and proof):

H. 818. Relating to Jefferson County; to repeal Act No. 392, H. 1191, 1975 Regular Session, (Acts 1975, p. 975) entitled "An Act To alter, rearrange and extend the boundaries and corporate limits of the Town of Trafford in Jefferson County, Alabama, so as to annex certain territory to the town."

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 818, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Wyatt (with notice and proof):

H. 883. Relating to Montgomery County; to amend Act 401, H. 935, 1957 Regular Session (Acts 1957, p. 568) as last amended, which relates to the county road engineer, so as to regulate his right to participate in other businesses.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 883, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Wyatt (with notice and proof):

H. 884. To reopen the Montgomery County employees' retirement system for prior service credit for certain employees of Montgomery County who did not become members of said system on the last date of effective participation for such employees; to provide that as prerequisites to such credit, members must make certain contributions therefor and must be contributing members of said retirement system in the active service of Montgomery County, the employer for whom such prior service was rendered and to provide that Montgomery County shall pay such employers costs as are necessary with respect to its employees subject to this act.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 884, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Wyatt (with notice and proof):

885. Relating to Montgomery County; to authorize, provide for the licensing of, and to regulate the operation of and hunting on privately owned hunting preserves stocked by artificially propagated or "pen-raised" upland birds; to prescribe the fees for such licenses; to provide for their collection and distribution; to provide that the licensee shall be an agent vendor of hunting licenses; and to prescribe penalties for violation of this Act.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 885, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Wyatt (with notice and proof):

H. 886. Relating to Montgomery County; providing for authority to increase the compensation of all appointed election officers for each election; to provide for additional compensation to be paid election officials designated as the chief inspector, inspector and chief clerk for each election held based upon the number of voting machines; and to provide that this act shall be superseded by any subsequent statewide act increasing the compensation of election officials.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 886, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Wyatt (with notice and proof):

H. 887. To provide that the Montgomery County Commission may grant certain cost of living increases to retired members of the Montgomery County retirement system and to authorize and empower said commission to make necessary contributions from the county general fund to effect such increases.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 887, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Waggoner (with notice and proof):

H. 893. Relating to Jefferson County; to fix and prescribe the salary of the tax collector of said county.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 893, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Gafford:

H. 919. To further amend Section 9910 of Act No. 607, S. 33 of the 1977 Regular Session (Acts 1977, Vol. II, p. 812), as amended, so as to further provide for the effective date.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 377, 818, and 893. To the Committee on Local Legislation No. 2.

H. B.'s 492, 728, 883, 884, 885, 886, and 887. To the Committee on Local Legislation No. 1.

H. B. 919. To the Committee on Judiciary.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Manley:

H. 759. To provide that any property owner shall have the authority to clean or dredge a stream or creek running through or onto his property.

Also:

By Rep. Sasser:

H. 664. To amend Section 16-3-9, Code of Alabama 1975, relating to expense allowance and other compensation for members of the state board of education in transacting the business of the board.

Also:

By Rep. Stout:

H. 758. To ratify the action of cities or towns in awarding and proceeding under contracts for improvements, the cost of which is to be assessed against the property drained, served or benefited by such improvements, when bids for the construction of such improvements were received and contracts were awarded and executed before the holding of the protest meeting required by Section 11-48-8 of the CODE OF ALABAMA 1975, and to state the limitations on such ratification.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 759. To the Committee on Judiciary.

H. B. 664. To the Committee on Finance and Taxation.

H. B. 758. To the Committee on Governmental Affairs.

MESSAGE FROM THE HOUSE

Mr. President:

The house has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Adams (C), Ray, McCorquodale, Owens, Carter, Edwards, Naramore, Dial, Wyatt, Cates, Waggoner, Coburn, Biddle, Carothers, Williams, Langford, Whatley, Greer, Gafford, Ward, Sasser, Kennedy (C), Boles, Hall, Goodwin, Trammell, Albright, Reed and Minus:

H. 587. To provide for a fee to be paid for filing or recording any instrument conveying real estate or any interest therein and for such fee to be forwarded to the State Treasurer; to provide for the disposition of said funds by the State Treasurer shall be budgeted and allotted; and further providing that any monies in the Land Surveys Fund in excess of $100,000.00 at the end of any state fiscal year shall be transferred into the General Fund of the State.

Also:

By Reps. Cabaniss, McMillan, Drinkard, Warren, Dixon, Biddle and Pegues:

H. 767. To amend Code of Alabama 1975, Section 9-11-51, so as to increase the penalty for nonresident hunting without a license.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 587. To the Committee on Finance and Taxation.

H. B. 767. To the Committee on Agriculture, Conservation, and Forestry.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 155. To change the compensation of the probate judge of Shelby County, Alabama.

Also:

H. 212. To correct a discrepancy in the boundary line of Chilton and Bibb Counties in the procedure provided by Section 39 of the Alabama Constitution.

Also:

H. 399. Relating to the eighth judicial circuit consisting of Morgan County; to amend Section 4 of Act No. 377, S. 182 of the Regular Session 1978 (Acts 1978, p. 332) which act creates a thirty-ninth judicial circuit and which section provides for the designation of existing judgeships in the eighth judicial circuit and provides for the naming of the presiding judge of such circuit, so as to provide further for the selection process of the presiding judge of the eighth judicial circuit as prescribed by the Alabama Rules of Judicial Administration.

Also:

H. 619. To amend further Act No. 929, S. 676, Regular Session 1951 (Acts 1951, p. 1579), as extensively amended by Act No. 1272, S. 620, Regular Session 1973 (Acts 1973, p. 2124), and other amendatory acts, which relate to the establishment of a pension and relief or retirement and relief system for officers, and employees, or their dependents, of any city having a population of 250,000 according to the 1970 or any subsequent federal decennial census, so as to provide further for the definitions of "full time employee" and "qualified employee" and to provide further for new participants' credit for certain prior service.

Also:

H. 724. To extend, alter and rearrange the boundaries and corporate limits of the City of Decatur, a municipal corporation in the State of Alabama so as to include within the corporate limits of the City of Decatur certain adjacent territory.

Also:

H. 736. Relating to Mobile County; to provide that any master plumber, journeyman plumber, plumber apprentice or other person qualified to perform plumbing work under the plumber licensing laws of Alabama shall be exempt from taking any further examination in order to obtain any county or municipal license to do business in such county or municipality.

Also:

H. 801. To amend Section 6 of Act No. 608 approved by the Alabama Legislature on September 4, 1951, by increasing the amount of compensation to the Sheriff's attorney.

Also:

H. 824. Relating to Shelby County; to amend Sections 3, 4, 5, 10, 11, 13 and 15 of Act No. 62, H. 213, First Special Session 1977, (Acts 1977, p. 1483), which relates to districts for fighting or preventing fires, so as to further provide for elections concerning such districts, trustees, interim trustees, and service charges and filling vacancies on the Board of Trustees; to prescribe the powers of the district; and to exempt districts created under the act from all taxes, including license and excise taxes, levied by the state, any county, municipality or other political subdivision of the state; and to exempt such districts from payment of certain charges to judges of probate.

Also:

H. 851. Relating to Morgan County; to amend Act No. 380, S. 556, 1976 Regular Session (Acts 1976, p. 480), entitled, "An Act Relating to Morgan County; to provide for the Morgan County Board of Education, its members, their districts, qualifications, election and removal from office; and repealing conflicting laws," so as to further provide for the election of said members.

Also:

H. 852. Relating to Morgan County; to authorize the Morgan County Commission to furnish the coroner of said county an automobile for use in the performance of his official duties.

Also:

H. 853. To amend Act No. 636, H. 977, 1978 Regular Session (Acts 1978, p. 901), entitled, "An Act To authorize certain expense allowances for the members of the board of education in Morgan County," so as to provide further for out-of-county expenses incurred by said members; and to ratify and confirm expenditures made in the county pursuant to Act No. 477, 1967 Regular Session or Act No. 656, 1969 Regular Session; and to provide that certain provisions hereof shall have retroactive effect.

Also:

H. 857. Relating to Shelby County; to provide further for the compensation of certain poll officials and poll workers.

Also:

H. 858. Relating to Shelby County; to require all polling places to remain open between the hours of 7:00 A.M. and 7:00 P.M. at all state and local elections held in the county; and to repeal Act No. 249, H. 873 of the 1975 Regular Session (Acts of Alabama 1975, p. 782) relating to the hours polling places remain open during elections.

Also:

H. 864. Relating to Choctaw County; to give the county commission certain powers and authority in regard to constructing and maintaining roads and driveways leading to schools, churches, church owned cemeteries, and private dwellings.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 865. To provide for a certain increase in court costs in the Choctaw County division of the First Judicial Circuit of this state with a portion of the proceeds from such increase to be earmarked for the salaries of deputies sheriff in Choctaw County.

Also:

H. 866. Relating to Bibb County; prescribing the meeting dates for the county governing body.

Also:

H. 867. Relating to Bibb County; to provide for an additional expense allowance to the chairman of the county governing body.

Also:

H. 868. Relating to Bibb County; to provide for an expense allowance for members of the county governing body, effective only upon the defeat at a Bibb County referendum election of a bi-unit road maintenance act for Bibb County passed at the 1979 Regular Session of the legislature.

Also:

H. 869. To amend Act No. 869, H. 1197, Regular Session 1969 (Acts 1969, p. 1579), which Act provides for an expense allowance for the members of the board of education in Bibb County, so as to provide further for such expense allowance.

Also:

H. 871. Relating to Bibb County; to provide for the employment of clerks, secretaries, and clerical assistants to perform duties in the office of the Judge of Probate and in the office of the Sheriff of Bibb County; to provide for the salaries of all such employees; and to authorize the Bibb County Commission or other like governing body to pay salaries or any portion thereof of existing and future clerks, secretaries and clerical assistants employed by the Judge of Probate and the Sheriff and who are performing duties in such respective offices.

Also:

H. 879. To extend, alter and rearrange the boundaries and corporate limits of the City of Decatur, a municipal corporation in the State of Alabama so as to include within the corporate limits of the City of Decatur certain adjacent territory.

Also:

H. 880. Relating to Morgan County; to place certain limitations on the amount of time which the records of certain registrations and licenses issued and renewed by the judge of probate and license commissioner of said county must be retained by file.

Also:

H. 889. Relating to Morgan County; to prescribe the method whereby a fee may be charged by the Judge of Probate for celebrating the rites of matrimony after normal courthouse hours and authorizing him to retain such fee for his personal use.

Also:

H. 894. Relating to the management of the public records of Morgan County; providing for the photographing or microphotographing of such public records and for the admissibility in evidence of photographed or microphotographed copies of records required to be kept by public officers of Morgan County, and for payment of the cost incurred in the purchase of photographic or microphotographic equipment; to authorize the photographing or microphotographing of old documents and records presently held as public records of Morgan County; to authorize the destruction of old documents not otherwise stored with the State Department of Archives and History.

Also:

H. 904. To alter, rearrange and extend the boundary lines and corporate limits of the Town of Grove Hill, in Clarke County, Alabama.

JOHN W. PEMBERTON.
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Ward, Turnham and Whatley (with notice and proof):

H. 862. Relating to Lee County; providing for purging the lists of registered voters, requiring and prescribing the procedure for the re-identification of registered voters; placing certain duties on the board of registrars, judge of probate, and the county governing body relative to the re-identification of registered voters; and providing a penalty for willfully making a false statement in connection with re-identification.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 862, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Holley and Ray (with notice and proof):

H. 877. Relating to Coffee County; fixing the fee for the issuance of pistol permits and providing for the disposition of such fees.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 877, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Venable and Grouby (with notice and proof):

H. 899. Relating to Elmore County; to provide a procedure for handling cases involving invalid personal checks given for licenses, and the voiding of such licenses.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 899, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Venable and Grouby (with notice and proof):

H. 900. Relating to Elmore County; to increase the compensation of members of the Board of Equalization.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 900, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Holley and Ray (with notice and proof):

H. 878. Relating to Coffee County; to provide further for the costs and charges of district and circuit courts and to provide for the disposition thereof.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 878, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Barton (with notice and proof):

H. 909. To repeal Act No. 669, H. 1382, Regular Session 1975 (Acts 1975, p. 1425), entitled, "An Act Relating to counties having a population not less than 115,000 nor greater than 150,000, according to the latest federal decennial census; providing that the sheriff in such counties shall receive $350 per month expense allowance, to become salary at the end of the present incumbent's term of office."

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 909, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Barton (with notice and proof):

H. 910. Relating to Tuscaloosa County; providing that the sheriff of said county shall receive an additional $400 per month expense allowance, to become salary at the end of the present incumbent's term of office.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 910, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Bowling and Brakefield:

H. 916. Proposing an amendment to the Constitution of 1901, as amended, to repeal Amendment No. 255 to the Constitution of 1901, relating to Winston County and referendums on local legislation.

Also:

By Reps. Laird and Ward (with notice and proof):

H. 923. Relating to Chambers County; to authorize the Chambers county commission to establish Industrial Parks within the county; to provide for the designation and regulation of such Industrial Parks; to designate the facilities to be furnished and maintained by the Industrial Parks; to exempt Industrial Parks from annexation by municipalities; to exempt Industrial Parks from being included in the police jurisdiction of municipalities; and to confirm the rights and responsibilities of county commissions, including the right of taxation.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 923, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Gilmer:

H. 920. To repeal Act No. 736, H. 1861, approved October 6, 1975, Regular Session 1975 (Acts 1975, p. 1501), entitled "An Act Relating to counties having a population of not less than 14,000 nor more than 15,000 inhabitants according to the most recent federal decennial census; to further regulate the taking, capturing or killing of wildlife in said counties; to regulate the gun and bow and arrow hunting of certain fur-bearing animals to the gun hunting deer seasons; to ban the practice of hanging bait over or near traps used for the taking of fur-bearing animals, and to require the marking of traps under certain conditions; and to provide penalties for violation of this act."

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 862, 877, 899, 900, 878, 909, 910, 916, 923, and 920. To the Committee on Local Legislation No. 1.

(The above numbered Bill, H. B. 916, was read a first time at length as required by the Constitution.)

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Pegues:

H. 381. To amend Section 40-18-15 of the Code of Alabama 1975, as amended, relating to state income tax deductions for individuals so as to increase the percentage of such deductions allowable for contributions or gifts to religious, charitable or scientific institutions.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 381. To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Manley and Pegues (with notice and proof):

H. 397. Relating to Marengo County; to provide for the mileage allowance of the county coroner, to make this act retroactive.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 397, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Gilmer (with notice and proof):

H. 727. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Sulligent, Lamar County, Alabama.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 727, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Bowling:

H. 820. To repeal Act No. 2362, H. 144, Regular Session 1971 (Acts 1971, p. 3795), entitled, "An Act Relating to counties having populations of not less than 16,600 nor more than 16,950, fixing the fee for issuance of a pistol permit by the sheriff and providing for the disposition and use of such fees."

Also:

By Rep. Bowling (with notice and proof):

H. 822. Relating to Winston County; fixing the fee for the issuance of pistol permits by the sheriff, providing for the deposit of such fees in a sheriff's fund, and providing for the use of such fund.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 822, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Cosby, Pegues and Edwards (with notice and proof):

H. 828. To amend Section 2 of Act No. 414, H. 744, Regular Session of 1978 (Acts 1978, p. 411) entitled "An Act relating to Dallas County; to provide a District Attorney's Fund for Dallas County; and to provide an expense supplement for the District Attorney, Deputy District Attorney or the Assistant District Attorney serving as Deputy District Attorney and the part-time Assistant District Attorney for Dallas County from the District Attorney's Fund" so as to provide further for such expense supplement.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 828, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Whatley, Ward and Turnham (with notice and proof):

H. 716. To provide an annual supplemental salary for the Judge of the District Court of Lee County, Alabama.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 716, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Whatley, Ward and Turnham (with notice and proof):

H. 717. Relating to Lee County; providing for the payment of an additional expense allowance to the chairman and members of the county commission or like governing body of Lee County.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 717, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Whatley, Ward and Turnham (with notice and proof):

H. 850. Relating to Lee County; authorizing the Lee County Commission to set the allocations for clerk hire allowances in the offices of the probate judge, the tax assessor and the tax collector, respectively; and repealing conflicting laws.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 850, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 397, 727, 820, 822, 828, 716, 717, and 850. To the Committee on Local Legislation No. 1.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Reed (with notice and proof):

H. 795. Relating to Macon County; to amend further Act No. 102, H. 237, Regular Session 1935 (Local Acts 1935, p. 38), which relates to the selection of the superintendent of education and prescribes his duties, qualifications, compensation and term of office, so as to provide further for his compensation, and to give this act retroactive effect.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 795, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Waggoner:

H. 674. To make an appropriation to the University of Alabama in Birmingham, School of Optometry, from funds which are on deposit in the State Treasury.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 795. To the Committee on Local Legislation No. 1.

H. B. 674. To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 120. INSTRUCTING ALL DEPARTMENTS OF THE STATE OF ALABAMA WITH REGARD TO RE-EMPLOYMENT OF DISMISSED STATE EMPLOYEES.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 123. COMMENDING THE SUMTER COUNTY RURAL DEVELOPMENT COMMITTEE.

Also:

S. J. R. 125. HONORING MISS RENE' HAMILTON OF HUNTSVILLE, ALABAMA.

Also:

S. J. R. 126. DESIGNATING THE WEEK OF OCTOBER 8, 1979, AS "CALHOUN COUNTY INDUSTRY WEEK."

Also:

S. J. R. 128. CREATING A CONTINUING SELECT JOINT COMMITTEE TO STUDY THE RISING COST TO THE STATE OF THE MEDICAID PROGRAMS.

Also:

S. J. R. 130. HONORING ALEX W. NEWTON OF BIRMINGHAM FOR BEING ELECTED PRESIDENT OF THE INTERNATIONAL SOCIETY OF BARRISTERS.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the State Board of Pardons and Paroles.

Respectfully submitted,

JAMES E. FOY,
Executive Secretary.

Done this 11th day of July, 1979.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Mr. Jack Curtis Lufkin, Atmore, Alabama, as a member of the State Board of Pardons and Paroles for a term ending June 30, 1985, succeeding Mr. William R. Robinson.

Respectfully,

FOB JAMES,
Governor.

Done this 11th day of July, 1979.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the State Board of Pardons and Paroles, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 194. To amend Section 36-25-4 of the Code of Alabama 1975 relating to powers and duties of the state ethics commission so as to prohibit said commission from investigating certain complaints regarding public officials.

Also:

H. 303. To direct the Alabama Peanut Producers Association to provide for a referendum by the peanut growers of the state on the question of whether a system of indemnification for certain losses incurred as a result of the presence of Aspergillus flavus or freeze damage in peanuts is favored; upon a favorable vote in such referendum, to provide for the establishment of a body corporate to initiate, administer and regulate a system of indemnification to peanut farmers for certain losses incurred as a result of the presence of Aspergillus flavus or freeze damage in peanuts; to authorize such body to initiate and administer an insurance plan or to contract with underwriters to insure against certain losses caused by such mold or freeze damage; to provide for an assessment plan to finance the indemnification program; and to provide that the provisions of this act shall become operative upon the adoption of an amendment to the Constitution of Alabama empowering the legislature to authorize such indemnification program.

Also:

H. 533. To further provide for the procedure in a petition for the sale for division of property held by joint owners or tenants in common so as to provide for the purchase of the interests of the joint owners or tenants in common filing for the partition by the other joint owners or tenants in common.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 259. To amend § 22-20-3 of the Code of Alabama to require that all infants be tested for hypothyroidism and to provide funds to support such a program.

JOHN W. PEMBERTON,
Clerk.

RESOLUTION

The Senate proceeded to further consideration of the Resolution:

S. J. R. 36. REJECTING THE REPORT OF THE JUDICIAL COMPENSATION COMMISSION.

Which said Resolution received a favorable report from the Committee on Rules on the 24th Legislative Day.

Messrs. St. John and Kirkland offered the following substitute for the Resolution, S. J. R. 36, to-wit:

SUBSTITUTE FOR S. J. R. 36

ALTERING AND AMENDING THE REPORT OF THE STATE JUDICIAL COMPENSATION COMMISSION

BE IT RESOLVED BY THE LEGISLATURE, BOTH HOUSES THEREOF CONCURRING, that pursuant to the provisions of Section 6.09(d) of Article VI of the Constitution of Alabama, as amended, the report of the state judicial compensation commission to the 1979 regular session of the legislature is hereby altered and amended as follows:

1. The annual salary of the chief justice and each associate justice of the supreme court shall be in an amount equal to $2000 more than the total compensation paid to the highest paid circuit judge in the state from both state and local funds, such salary to be payable from the state treasury in installments as the salaries of other state officers are paid.

2. The annual salary of each of the judges of the court of criminal appeals and the court of civil appeals shall be in an amount equal to $1500 more than the total compensation paid to the highest paid circuit judge in the state from both state and local funds, such salary to be payable from the state treasury in installments as the salaries of other state officers are paid.

3. The annual salary of each of the circuit judges of the state, payable from the state treasury, shall be $30,000, payable in installments as the salaries of other state officers are paid.

4. The annual salary of each of the district judges of the state payable from the state treasury, shall be $27,000, payable in installments as the salaries of other state officers are paid.

5. The increase in the salaries payable to the justices and the judges of the state provided for herein is conditioned upon and shall be effective only if Senate Bill 229 introduced by Senator Albert McDonald in the 1979 regular session of the legislature shall become law.

6. The permanent study commission on Alabama's judicial system established pursuant to Chapter 9 of Title 12, Code of Alabama 1975, is hereby authorized and directed to undertake and make a careful study of the salary structure of the justices, appellate judges, circuit judges and district judges of the state to determine a fair and equitable salary structure as to such justices and judges in comparison with the compensation and salaries of other state officers, the justices and judges of the other southeastern states,

federal judicial officers, and the practicing lawyers of this state, such study to specifically consider the desirability and feasibility of providing by law that the salaries and compensation of circuit and district judges be equalized and paid only from the state treasury and that local salary supplements be phased out and assumed by the state over a period of time in order to relieve county commissions from this fiscal responsibility. The permanent study commission shall make and file its written report to the legislature pursuant to this section within the first 10 days of the next regular session of the legislature.

Mr. Callahan offered the following substitute for the St. John and Kirkland substitute, to-wit:

SUBSTITUTE FOR SUBSTITUTE FOR S. J. R. 36

ALTERING AND AMENDING THE REPORT OF THE STATE JUDICIAL COMPENSATION COMMISSION

BE IT RESOLVED BY THE LEGISLATURE, BOTH HOUSES THEREOF CONCURRING, that pursuant to the provisions of Section 6.09(d) of Article VI of the Constitution of Alabama, as amended, the report of the state judicial compensation commission to the 1979 regular session of the legislature is hereby altered and amended as follows:

1. The annual salary of the chief justice and each associate justice of the supreme court shall be in an amount equal to $3000 more than the total compensation paid to the highest paid circuit judge in the state from both state and local funds, such salary to be payable from the state treasury in installments as the salaries of other state officers are paid.

2. The annual salary of each of the judges of the court of criminal appeals and the court of civil appeals shall be in an amount equal to $2000 more than the total compensation paid to the highest paid circuit judge in the state from both state and local funds, such salary to be payable from the state treasury in installments as the salaries of other state officers are paid.

3. The annual salary of each of the circuit judges of the state, payable from the state treasury, shall be $32,500, payable in installments as the salaries of other state officers are paid.

4. The annual salary of each of the district judges of the state payable from the state treasury, shall be $27,000, payable in installments as the salaries of other state officers are paid.

5. The increase in the salaries payable to the justices and the judges of the state provided for herein is conditioned upon and shall be effective only if Senate Bill 229 introduced by Senator Albert McDonald in the 1979 regular session of the legislature shall become law.

6. The permanent study commission on Alabama's judicial system established pursuant to Chapter 9 of Title 12, Code of Alabama 1975, is hereby authorized and directed to undertake and make a carefuly study of the salary structure of the justices, appellate judges, circuit judges and district judges of the state to determine a fair and equitable salary structure as to such justices and judges in comparison with the compensation and salaries of other state officers, the justices and judges of the other southeastern states, federal judicial officers, and the practicing lawyers of this state, such study to specifically consider the desirability and feasibility of providing by law that the salaries and compensation of circuit and district judges be equalized and

paid only from the state treasury and that local salary supplements be phased out and assumed by the state over a period of time in order to relieve county commissions from this fiscal responsibility. The permanent study commission shall make and file its written report to the legislature pursuant to this section within the first 10 days of the next regular session of the legislature.

On motion of Mr. St. John, said substitute was laid on the table.

Yeas 19; Nays 8.

Yeas:

Messrs.:	Denton	Holmes	Robertson	
Barron	Gulledge	Keener	St. John	
Britnell	Hall	Lemaster	Taylor	
Clemon	Harrison	Mitchem	Weeks	
deGraffenried	Higginbotham	Proctor	White	
				—19

Nays:

Messrs.:	Figures	McDonald	Vacca	
Bailey	Goodwin	Parsons		—8
Callahan				
Cook				

And said St. John and Kirkland substitute was then adopted by the Senate.

Yeas 22; Nays 9.

Yeas:

Messrs.:	Denton	Kirkland	St. John	
Bailey	Goodwin	Little	Teague	
Britnell	Gulledge	Martin	Vacca	
Callahan	Harrison	Miller	Weeks	
Cook	Higginbotham	Parsons	White	
deGraffenried	Keener	Proctor		—22

Nays:

Messrs.:	Holmes	Mitchem	Smith	
Barron	Lemaster	Robertson	Taylor	
Hall	McDonald			—9

Mr. Robertson offered the following substitute for the Resolution, S. J. R. 36, as amended, to-wit:

SUBSTITUTE FOR S. J. R. 36

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the report of the Judicial Compensation Commission is hereby amended as provided herein. Each judge or other person covered by the report of the Judicial Compensation Commission shall receive the same salary increase as granted to state employees during the current session of the Legislature.

On motion of Mr. St. John, said substitute was laid on the table.

Yeas 16; Nays 11.

Yeas:

Messrs.:	deGraffenried	Higginbotham	Parsons
Bailey	Goodwin	Keener	St. John
Britnell	Gulledge	Kirkland	Vacca
Callahan	Harrison	Miller	White
Cook			—16

Nays:

Messrs.:	Holmes	Mitchem	Taylor
Barron	Lemaster	Proctor	Teague
Hall	McDonald	Robertson	Weeks
			—11

And said Resolution, S. J. R. 36, as thus amended by the substitute, was then adopted by the Senate.

Yeas 26; Nays 4.

Yeas:

Messrs.:	Denton	Kirkland	Proctor
Bailey	Figures	Little	Robertson
Britnell	Goodwin	Martin	St. John
Callahan	Gulledge	McDonald	Teague
Clemon	Harrison	Miller	Vacca
Cook	Higginbotham	Parsons	Weeks
deGraffenried	Keener	Pearson	White
			—27

Nays: Messrs.: Barron, Hall, Holmes, Smith. —4

INTERIM COMMITTEE REPORT FILED

Pursuant to the provisions of Act No. 79-43, the report of the Joint Study Committee on Agriculture was read and ordered filed with the Secretary.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Drinkard, Shoemaker, Cabaniss, Blake, Smith (C), Bowling, Hall, Moore, Johnson (R. G.) and Dial:

H. 427. To provide for a privilege license for automotive dismantlers and parts recyclers; to fix a fee for such license; to require proof of responsibility for such license; to provide for the business which may be carried on under such license; to set qualifications for obtaining such license; to require maintenance of certain records to assist law enforcement officials; to authorize holders of such license to transfer certificates of title to motor vehicles as a licensed motor vehicle dealer; to provide for cancellation or revocation of such license; to require buyers at salvage pools or salvage disposal sales to obtain a buyer's identification card to purchase at such sales, and fix the qualifications for such buyers; to fix a penalty for violations of this Act; and to set an effective date.

Also:

By Rep. Riddick:

H. 181. To provide that it shall be a nuisance and unlawful for anyone to willfully throw or cast headlights or any rays of artificial light from any motor vehicle in any field, woodland or forest or other real property with the exception of farmers who may do so while checking livestock on owned, leased or rented land; and to provide for penalties.

Also:

By Reps. Greer, Letson, Carter, Roberts, Bowling, Starkey, Kelley, Smith (M), Cooley, Stout, Albright, Coburn and Gregg:

H. 528. Relating to the Transient Occupancy Tax; to increase the rate of said tax in certain counties; and to appropriate the proceeds thereof to the Alabama Mountain Lakes Association and to certin North Alabama counties for travel advertising and promotion; and for such purpose to amend Code of Alabama 1975, Sections 40-26-1 and 40-26-20.

Also:

By Rep. Kennedy (C):

H. 752. To provide that it shall be a Class A misdemeanor to burn or attempt to burn a cross on any public right-of-way or on private property without the permission of the owner and person in legal possession thereof; and to prescribe penalty for conviction of such unlawful act.

Also:

By Rep. Biddle:

H. 174. To authorize the director of the department of public safety to restrict driving in the extreme left side in any portion of any interstate highway, or of any highway of sufficient width, except for overtaking and passing; and to provide notice to the state highway director.

Also:

By Reps. Sasser and Grimsley:

H. 722. To amend Section 7 of Act No. 12, S. 56, Second Special Session 1978 (Acts 1978, p. 1616), the Educational Appropriation Act for the fiscal year ending September 30, 1979, so as to further provide for the allocation to the nursing programs at the George C. Wallace Community College—Technical Branch—Dothan.

Also:

By Rep. Carothers:

H. 581. To amend Code of Alabama 1975, Section 36-7-20 and 36-7-22 relating to various expense allowances for state employees so as to provide for increases in mileage allowances for such employees.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 427. To the Committee on Commerce, Transportation, and Utilities.

H. B. 181. To the Committee on Agriculture, Conservation, and Forestry.

H. B.'s 528, 722, and 581. To the Committee on Finance and Taxation.

H. B.'s 752 and 174. To the Committee on Judiciary.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. McMillan and Warren:

H. 122. To establish and provide for the Forestry Study Committee; and to make an appropriation from the general fund to implement the provisions hereof.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 122. To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Warren and McMillan:

H. 519. To amend Section 9-3-5, Code of Alabama 1975, so as to authorize the State Forester to hire forest law enforcement officers; to prescribe the duties and retirement of such officers.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 519. To the Committee on Agriculture, Conservation, and Forestry.

ADJOURNMENT

At 7 o'clock P.M., on motion of Mr. Hall, in accordance with Joint Resolution heretofore adopted, and pending further consideration of S. B. 468, the Senate adjourned until Thursday, July 12, 1979, at 12 o'clock Noon.

TWENTY-SIXTH LEGISLATIVE DAY

THURSDAY, JULY 12, 1979

The Senate met pursuant to adjournment, Lieutenant Governor McMillan presiding.

PRAYER

The Session was opened with prayer by Dr. Kenneth Wayne Fields, Pastor, Killen Memorial Baptist Church, Killen, Alabama.

ROLL CALL

Present:

Messrs.:	Figures	Kirkland	Robertson	
Bailey	Glass	Lemaster	St. John	
Barron	Goodwin	Little	Smith	
Britnell	Gulledge	McDonald	Taylor	
Callahan	Hall	Miller	Teague	
Clemon	Harrison	Mitchem	Vacca	
Cook	Higginbotham	Parsons	Weeks	
deGraffenried	Holmes	Pearson	White	
Denton	Keener	Proctor		—34

JOURNAL

On motion of Mr. St. John, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Twenty-Fifth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

Albert McDonald,
Chairman.

COMMITTEE REPORT

On motion of Mr. McDonald, the foregoing report was concurred in and the Journal of the Senate for the Twenty-Fifth Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. St. John, leave of absence was granted Mr. Martin for today.

LOCAL BILLS ON THIRD READING

The Bill:

S. 536. To provide for and create the Barbour County Racing Commission, for the regulating, licensing and supervision of Greyhound racing and wagering thereon; to prescribe the composition, appointment, powers, and duties of the commission; to provide for and regulate the pari-mutuel or certificate method of wagering within the enclosure of licensed race tracks; to provide for the distribution of license fees, taxes, commissions, and other monies received under the provisions of the act; and to provide certain penalties for the violation of this act and for other purposes relative thereto, and to provide for a referendum of the voters of the county and on the question of whether the act will become effective in the county.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 3; Nays 2.

Yeas: Messrs.: Cook, Higginbotham, Weeks. —3

Nays: Messrs.: Bailey, Hall. —2

(The President and Presiding Officer of the Senate declared that a quorum was present but not voting.)

MOTION IN WRITING

Mr. Callahan offered the following Motion in Writing, to-wit:

Pursuant to Rule 36, I move that the rules be suspended and that S. B. 520 be brought up out of order.

Which was adopted.

LOCAL BILLS ON THIRD READING RESUMED

The Bill:

S. 520. Relating to Mobile County; providing further for the government of the county; abolishing the three member county commission and creating a four member commission in lieu thereof; providing for the selection of the members of the commission, and prescribing their qualifications, terms, and compensation; providing for the organization and jurisdiction of the commission, and the powers and duties of its individual members.

was taken up.

On motion of Mr. Callahan, further consideration of the Bill, S. B. 520, was postponed temporarily.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 620. To propose an amendment to the Constitution of Alabama of 1901 authorizing the legislature to provide for an indemnification program to peanut farmers for losses incurred as a result of Aspergillus flavus or freeze damage.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

LOCAL BILLS ON THIRD READING RESUMED

The Bill:

S. 586. Relating to the 31st judicial circuit; providing for a county salary supplement for the circuit judges and the presiding district judge of the 31st judicial circuit, and to provide the means and manner for the payment of same.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Goodwin	McDonald	Smith	
Bailey	Gulledge	Miller	Taylor	
Britnell	Hall	Mitchem	Teague	
Clemon	Holmes	Parsons	Vacca	
Cook	Keener	Pearson	Weeks	
Denton	Kirkland	Proctor	White	
Glass	Little			—25

Nays: —0

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills and Senate Joint Resolutions with the original Senate Bills and Senate Joint Resolutions respectively, and finds same correctly enrolled, to-wit:

S. 23. To amend Sections 9-17-101, 9-17-102, 9-17-104, 9-17-105, 9-17-106, 9-17-107, 9-17-109 and 9-17-110 of the Code of Alabama 1975, so as to provide certain changes in the regulation of liquefied petroleum gas.

Also:

S. 70. Relating to Jefferson County; to prohibit the false personation of a peace officer and to provide a penalty therefor.

Also:

S. 71. To repeal Act No. 630, H. 941, 1978 Regular Session (Acts 1978, p. 893), entitled "An Act Relating to Jefferson County; to prescribe the civil service system status of certain truck weight inspectors and transfer agents employed in the sheriff's office of said county."

Also:

S. 158. To require group health insurance policies, and contracts and plans to provide offer benefits for the care and treatment of alcoholism in licensed or certified programs. and to provide for minimum levels of benefits when such coverage is elected.

Also:

S. 259. To amend § 22-20-3 of the Code of Alabama to require that all infants be tested for hypothyroidism and to provide funds to support such a program.

Also:

S. 267. To amend Sections 22-21-133 and 22-21-145 of the Code of Alabama 1975, as heretofore amended, relating to municipal hospital authorities, so as to correct certain typographical errors and to make more specific provision for certain specified publications and for the filing of amendments to the charters of municipal hospital authorities, and to specify that all the aforesaid provisions shall apply both retrospectively and prospectively.

Also:

S. 363. To regulate further the fees for recording documents affecting the title to real property in Autauga County; and providing for the disposition of said fees.

Also:

S. 496. To amend Section 10 of Act No. 2079 of the Regular Session of the Legislature of Alabama of 1971 (Ala. Acts, 1971, pp. 3335-3350) providing for the incorporation of a municipal parking authority as a public corporation in any city of the state having a population of 300,000 or more, according to the last or any subsequent federal census, so as to grant additional powers to such authority.

Also:

S. 523. To further amend Section 11 of Act No. 497 of the Regular Session of the Legislature of Alabama of 1965 (Ala. Acts, 1965, pp. 717-739), as heretofore amended, which said Act established a pension system for officers and employees of Jefferson County, Alabama.

Also:

S. 524. To further amend subsection (a) of Section 4 of Act No. 497 of the Regular Session of the Legislature of Alabama of 1965 (Ala. Acts, 1965, pp. 717-739), as heretofore amended, which said Act established a pension system for officers and employees of Jefferson County, Alabama.

Also:

S. J. R. 120. INSTRUCTING ALL DEPARTMENTS OF THE STATE OF ALABAMA WITH REGARD TO RE-EMPLOYMENT OF DISMISSED STATE EMPLOYEES.

Also:

S. J. R. 123. COMMENDING THE SUMTER COUNTY RURAL DEVELOPMENT COMMITTEE.

Also:

S. J. R. 125. HONORING MISS RENE' HAMILTON OF HUNTSVILLE, ALABAMA.

Also:

S. J. R. 126. DESIGNATING THE WEEK OF OCTOBER 8, 1979, AS "CALHOUN COUNTY INDUSTRY WEEK."

Also:

S. J. R. 128. CREATING A CONTINUING SELECT JOINT COMMITTEE TO STUDY THE RISING COST TO THE STATE OF THE MEDICAID PROGRAMS.

Also:

S. J. R. 130. HONORING ALEX W. NEWTON OF BIRMINGHAM FOR BEING ELECTED PRESIDENT OF THE INTERNATIONAL SOCIETY OF BARRISTERS.

ALBERT McDONALD,
Chairman.

SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills and Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

LOCAL BILLS ON THIRD READING RESUMED

The Bill:

S. 599. To set the compensation of the tax collector of Etowah County.

was taken up.

Mr. Keener offered the following amendment to the Bill, S. B. 599, to-wit:

AMENDMENT TO S. B. 599

Amend Senate Bill No. 599 Page 1 Line 10, by striking out the figure $21,000.00 and substituting in lieu thereof the figure "$20,000.00."

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Britnell	Denton	Hall
Bailey	Clemon	Figures	Harrison
Barron	Cook	Glass	Keener

Lemaster	Pearson	Smith	Vacca	
Little	Proctor	Taylor	Weeks	
McDonald	Robertson	Teague	White	
Mitchem	St. John			—25

Nays: —0

And said Bill, S. B. 599, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	McDonald	Smtih	
Bailey	Glass	Mitchem	Taylor	
Barron	Hall	Pearson	Teague	
Britnell	Harrison	Proctor	Vacca	
Clemon	Keener	Robertson	Weeks	
Cook	Lemaster	St. John	White	
Denton	Little			—25

Nays: —0

The Bill:

S. 610. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Alexander City, in Tallapoosa County.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Miller	Smith	
Bailey	Figures	Mitchem	Taylor	
Barron	Hall	Parsons	Teague	
Britnell	Holmes	Pearson	Vacca	
Callahan	Keener	Proctor	Weeks	
Clemon	Kirkland	St. John	White	
Cook	Little			—25

Nays: —0

The Bill:

S. 611. Relating to Madison County; to provide for an increase in salary and expense allowance for certain officials in Madison County; and to provide that Sections 2, 3 and 4 of this act relating to the increase in compensation of certain county officials shall be effective only if all full time county employees and deputy sheriffs have been provided a seven and one-half percent increase in compensation per annum prior to January 1, 1980.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Lemaster	Proctor	
Bailey	Figures	Little	Smith	
Barron	Glass	McDonald	Teague	
Britnell	Goodwin	Mitchem	Vacca	
Callahan	Hall	Parsons	Weeks	
Clemon	Holmes	Pearson	White	
Cook	Keener			—25

Nays: —0

The Bill:

S. 616. Relating to Etowah County; providing for an additional county supplement to the state pay for the circuit court judges.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	deGraffenried	Little	Smith	
Bailey	Denton	McDonald	Taylor	
Barron	Figures	Mitchem	Teague	
Britnell	Glass	Pearson	Vacca	
Callahan	Hall	Proctor	Weeks	
Clemon	Keener	St. John	White	
Cook	Lemaster			—25

Nays: —0

The Bill:

S. 618. To amend Act No. 366, S. 472, 1978 Regular Session (Acts 1978, p. 309) entitled "An Act Relating to Limestone County; providing for the compensation and expense allowance of certain county officers," so as to provide further for said compensation.

was taken up.

Mr. McDonald offered the following substitute for the Bill, S. B. 618, to-wit:

SUBSTITUTE FOR S. B. 618

A BILL
TO BE ENTITLED
AN ACT

To amend Act No. 366, S. 472, 1978 Regular Session (Acts 1978, p. 309) entitled "An Act Relating to Limestone County; providing for the compensation and expense allowance of certain county officers," so as to provide further for said compensation and to give this act retroactive effect.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 366, S. 472, 1978 Regular Session (Acts 1978, p. 309) is hereby amended to read as follows:

"Section 1. The following officers of Limestone County shall receive the following annual salaries to be paid from county funds in equal monthly installments:

Chairman, County Commission	$19,200.00
County Commission Members	13,200.00
Probate Judge	17,500.00
Tax Assessor	15,700.00
Tax Collector	15,700.00
Sheriff	19,000.00
Coroner	2,500.00

"Such salaries shall be in lieu of all other compensation heretofore provided by law and all fees, commissions, percentages and other charges heretofore collected for the use of any of the above officers shall be collected and paid into the general fund of the county."

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. The provisins of this amendment shall have retroactive effect to the first day of January 1979.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	McDonald	Smith	
Bailey	Glass	Mitchem	Taylor	
Barron	Hall	Parsons	Teague	
Britnell	Holmes	Pearson	Vacca	
Clemon	Keener	Proctor	Weeks	
Cook	Kirkland	St. John	White	
Denton	Little			—25

Nays: —0

And said Bill, S. B. 618, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	McDonald	Smith	
Bailey	Glass	Mitchem	Taylor	
Barron	Hall	Parsons	Teague	
Britnell	Holmes	Pearson	Vacca	
Clemon	Keener	Proctor	Weeks	
Cook	Kirkland	St. John	White	
Denton	Little			—25

Nays: —0

The Bill:

S. 619. Relating to Limestone County; to provide an additional expense allowance for certain elected county officers.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Keener	Smith	
Bailey	FJIGURES	Kirkland	Taylor	
Barron	Glass	Little	Teague	
Britnell	Goodwin	McDonald	Vacca	
Callahan	Gulledge	Mitchem	Weeks	
Clemon	Hall	Proctor	White	
Cook	Holmes			—25

Nays: —0

The Bill:

S. 620. To provide for the distribution of payments in lieu of taxes by Tennessee Valley Authority of the United States Government made to Limestone County pursuant to Act of the 1978 Alabama Legislature, approved August 7, 1978, 1978 Acts of Alabama, Page 1787, among the various governmental units, schools, and hospitals in Limestone County which receive distributions of ad valorem tax revenues.

was taken up.

Mr. McDonald offered the following amendment to the Bill, S. B. 620, to-wit:

AMENDMENT TO SENATE BILL 620

On Page 1 in line three of the title after the word "Act" insert the following letters and figures "No. 92".

Further amend Senate Bill 620

On Page 1, Section 1, line 2, after the word "Act" insert the following letters and figures "No. 92".

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Keener	Smith	
Bailey	Figures	Kirkland	Taylor	
Barron	Glass	Little	Teague	
Britnell	Goodwin	McDonald	Vacca	
Callahan	Gulledge	Mitchem	Weeks	
Clemon	Hall	Proctor	White	
Cook	Holmes			—25

Nays: —0

And said Bill, S. B. 620, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Keener	Smith	
Bailey	Figures	Kirkland	Taylor	
Barron	Glass	Little	Teague	
Britnell	Goodwin	McDonald	Vacca	
Callahan	Gulledge	Mitchem	Weeks	
Clemon	Hall	Proctor	White	
Cook	Holmes			—25

Nays: —0

The Bill:

S. 626. Relating to Marshall County; to provide a salary increase for the tax assessor and tax collector for said county and to provide for the effective date of said increase.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Little	Smith	
Bailey	Figures	McDonald	Taylor	
Barron	Glass	Mitchem	Teague	
Britnell	Hall	Pearson	Vacca	
Callahan	Holmes	Proctor	Weeks	
Clemon	Keener	St. John	White	
Cook	Lemaster			—25

Nays: —0

The Bill:

H. 840. To create an Industrial Development Authority for DeKalb County for the purpose of promoting industry and trade and the development of said county; to provide for the organization, powers, functions, duties and personnel of such Authority and to provide for the payment of the expenses of such Authority and for the compensation of its employees.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Lemaster	Smith	
Bailey	Figures	Little	Taylor	
Barron	Goodwin	Mitchem	Teague	
Britnell	Gulledge	Pearson	Vacca	
Callahan	Hall	Proctor	Weeks	
Clemon	Holmes	St. John	White	
Cook	Keener			—25

Nays: —0

The Bill:

H. 861. Relating to Marion County; authorizing the county commission to pay an additional expense allowance to the chief deputy sheriff, each deputy sheriff and the sheriff's clerk; and giving this act retroactive effect.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Glass	Miller	Smith	
Bailey	Hall	Mitchem	Taylor	
Britnell	Holmes	Parsons	Teague	
Clemon	Keener	Pearson	Vacca	
Cook	Kirkland	Proctor	Weeks	
Denton	Lemaster	St. John	White	
Figures	Little			—25
Nays:				—0

The Bill:

H. 773. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Moody in St. Clair County.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Keener	Mitchem	
Bailey	Figures	Kirkland	Proctor	
Barron	Glass	Lemaster	Smith	
Britnell	Goodwin	Little	Teague	
Callahan	Gulledge	McDonald	Weeks	
Clemon	Hall	Miller	White	
Cook	Holmes			—25
Nays:				—0

The Bill:

S. 598. Relating to Pike County; to provide an additional expense allowance for the coroner of such county.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Keener	Proctor	
Bailey	Figures	Kirkland	Smith	
Barron	Glass	Lemaster	Taylor	
Britnell	Goodwin	Little	Teague	
Callahan	Gulledge	Miller	Weeks	
Clemon	Hall	Mitchem	White	
Cook	Holmes			—25
Nays:				—0

The Bill:

S. 617. To amend Act No. 512 of the Regular Session of the Legislature of Alabama of 1977 (Ala. Acts, 1977, p. 674, et seq.), herein called "Act 512", which Act relates to the Jefferson County Coroner-Medical Examiner's Office, by changing certain provisions Act 512 now contains regarding the said office and by also incorporating in said Act 512 additional provisions which will establish the Coroner-Medical Examiner's Commission, will provide for the composition of said Commission, and will provide that said Commission shall have the power to do the following: To consult with the county governing body on the selection, appointment and retention of the Coroner-Medical Examiner, and such Associate Coroner-Medical Examiners as it may be necessary and appropriate to appoint; to promulgate rules and regulations governing the reviews and investigations of the Coroner-Medical Examiner's Office, including the conditions and circumstances uopn which such reviews and investigations shall be conducted; to receive and reply to all questions and inquiries concerning the operation of the Coroner-Medical Examiner's function submitted by the Coroner-Medical Examiner, the county governing body, or others; and to assist the Coroner-Medical Examiner in informing the public of the Coroner-Medical Examiner function.

was taken up.

The Standing Committee on Local Legislation No. 2 reported the following amendment to the Bill, S. B. 617, to-wit:

COMMITTEE AMENDMENT TO S. B. 617

Amend Senate Bill 617 on page 2, Section 6. (h) to read as follows:

"(h) Two licensed funeral directors who are residents of Jefferson County, actively engaged in the funeral business in said county, who shall be appointed by the Jefferson County Commission."

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Lemaster	Proctor	
Bailey	Glass	Little	St. John	
Barron	Goodwin	McDonald	Smith	
Britnell	Hall	Miller	Taylor	
Clemon	Holmes	Parsons	Vacca	
Cook	Keener	Pearson	White	
Denton	Kirkland			—25

Nays: —0

The Standing Committee on Local Legislation No. 2 then reported the following amendment to the Bill, S. B. 617, as amended, to-wit:

COMMITTEE AMENDMENT TO S. B. 617

Amend Senate Bill 617 on page 2, Section 6., paragraph 2 to read as follows:

"(g) One member of the Jefferson County Senate Delegation and one member of the Jefferson County House Delegation to be chosen by the respective delegations."

"(j) A representative of local law enforcement agencies appointed by the Jefferson County Sheriff."

Also amend on Section 6., paragraph 2 by deleting "(i)" in its entirety and re-letter the remaining sub-sections accordingly.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Lemaster	Proctor	
Bailey	Glass	Little	St. John	
Barron	Goodwin	McDonald	Smith	
Britnell	Hall	Miller	Taylor	
Clemon	Holmes	Parsons	Vacca	
Cook	Keener	Pearson	White	
Denton	Kirkland			—25

Nays: —0

And said Bill, S. B. 617, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Lemaster	Proctor	
Bailey	Glass	Little	St. John	
Barron	Goodwin	McDonald	Smith	
Britnell	Hall	Miller	Taylor	
Clemon	Holmes	Parsons	Vacca	
Cook	Keener	Pearson	White	
Denton	Kirkland			—25

Nays: —0

The Bill:

H. 809. To repeal Act No. 821, H. 1266, 1965 Regular Session (Acts of Alabama 1965, p. 1534), as amended by Act No. 1030, H. 822, 1969 Regular Session (Acts of Alabama 1969, p. 1907), and to repeal said Act No. 1030, 1969 Regular Session, both of which relate to the fluoridation of water supplies in counties having a population of 600,000 or more according to the most recent federal decennial census.

was read a third time at length and passed.

Yeas 25; Nays 1.

Yeas:

Messrs.:	Figures	Lemaster	Proctor	
Bailey	Glass	Little	St. John	
Barron	Goodwin	McDonald	Smith	
Britnell	Hall	Miller	Taylor	
Clemon	Holmes	Mitchem	Vacca	
Cook	Keener	Pearson	White	
Denton	Kirkland			—25

Nay: Mr. Parsons. —1

The Bill:

H. 810. To repeal Act No. 555, H. 945, 1953 Regular Session (Acts of Alabama 1953, p. 783), which relates to the fluoridation of water supplies in counties having a population of 400,000 or more according to the most recent federal decennial census.

was read a third time at length and passed.

Yeas 25; Nays 1.

Yeas:

Messrs.:	Figures	Lemaster	Proctor	
Bailey	Glass	Little	St. John	
Barron	Goodwin	McDonald	Smith	
Britnell	Hall	Miller	Taylor	
Clemon	Holmes	Mitchem	Vacca	
Cook	Keener	Pearson	White	
Denton	Kirkland			—25

Nay: Mr. Parsons. —1

The Bill:

S. 634. To regulate the expense allowances in the Thirtieth Judicial Circuit for district judges; and to provide for retroactive effect.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following amendment to the Bill, S. B. 634, to-wit:

COMMITTEE AMENDMENT TO S. B. 634

Amend S. B. 634 as follows:

On page 1, line 19, after the word "the" add the following:

total expense allowance and supplemental salaries paid by such county

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Lemaster	Robertson	
Bailey	Glass	Little	St. John	
Barron	Goodwin	McDonald	Smith	
Britnell	Hall	Mitchem	Teague	
Clemon	Holmes	Pearson	Weeks	
Cook	Keener	Proctor	White	
Denton	Kirkland			—25

Nays: —0

And said Bill, S. B. 634, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Lemaster	Robertson	
Bailey	Glass	Little	St. John	
Barron	Goodwin	McDonald	Smith	
Britnell	Hall	Mitchem	Teague	
Clemon	Holmes	Pearson	Weeks	
Cook	Keener	Proctor	White	
Denton	Kirkland			—25

Nays: —0

The Bill:

H. 600. Relating to Lawrence County; amending Section 1 of Act No. 700, H. 1016 of the 1978 Regular Session (Acts 1978, Vol. II, p. 1009), relating to compensation for the clerk in the sheriff's office, so as to increase the maximum limit.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Lemaster	Smith	
Bailey	Figures	Little	Taylor	
Barron	Glass	McDonald	Teague	
Britnell	Hall	Miller	Vacca	
Callahan	Holmes	Mitchem	Weeks	
Clemon	Keener	Parsons	White	
Cook	Kirkland			—25

Nays: —0

The Bill:

H. 617. Relating to Lawrence County; to place certain limitations on the amount of time which the records of certain registrations and licenses issued and renewed by the judge of probate and license commissioner of said county must be retained on file.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Lemaster	Smith	
Bailey	Figures	Little	Taylor	
Barron	Glass	McDonald	Teague	
Britnell	Hall	Miller	Vacca	
Callahan	Holmes	Mitchem	Weeks	
Clemon	Keener	Parsons	White	
Cook	Kirkland			—25

Nays: —0

The Bill:

H. 618. Relating to Lawrence County; to provide a procedure for handling cases involving invalid personal checks given for licenses, and the voiding of such licenses.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Lemaster	Smith	
Bailey	Figures	Little	Taylor	
Barron	Glass	McDonald	Teague	
Britnell	Hall	Miller	Vacca	
Callahan	Holmes	Mitchem	Weeks	
Clemon	Keener	Parsons	White	
Cook	Kirkland			—25

Nays: —0

The Bill:

S. 54. To authorize the legislature of the State of Alabama to control the usage of certain parking spaces on certain streets immediately adjacent to the capitol grounds in the City of Montgomery; and to direct the Chief of Services of the Division of Services to work in cooperation with the legislature as herein provided.

was taken up by unanimous consent.

Mr. White offered the following substitute for the Bill, S. B. 54, to-wit:

SUBSTITUTE FOR S. B. 54

A BILL
TO BE ENTITLED
AN ACT

To authorize the legislature of the State of Alabama to control the usage of certain portions of streets, parking lots and grounds in or near the state capitol complex in the City of Montgomery; and to direct the Chief of Services of the Division of Services to work in cooperation with the legislature as herein provided.

Be It Enacted by the Legislature of Alabama:

Section 1. The legislature of the State of Alabama is hereby authorized to control the usage of a certain portion of those streets adjacent to the state capitol complex in the City of Montgomery and the grounds of the state capitol building, viz: That portion of King Street and Pelham Street, lying between Union and Ripley Streets, (over which the city has relinquished control), and the parking lot located across Union Street to the rear of the capitol building between the Administrative Building and Highway Building and bounded by the Streets of Union, Ripley, Pelham and King and the driveway and parking spaces on the grounds surrounding the capitol itself. The legislature shall be authorized to exercise control over the usage of the said areas through the Joint Parking Committee created by Act No. 8, Organizational Session 1975, or its successor, or by subsequent legislative action; and the Chief of Services of the Division of Services shall work in cooperation with the legislature regarding any action taken by the legislature as hereby authorized.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed, including Act No. 271, H. J. R. 263 of the 1976 Regular Session.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 20; Nays 0.

Yeas:

Messrs.:	deGraffenried	Keener	Mitchem
Bailey	Denton	Kirkland	St. John
Barron	Goodwin	Lemaster	Smith
Britnell	Hall	McDonald	Vacca
Clemon	Holmes	Miller	White
Cook			

—20

Nays: —0

And said Bill, S. B. 54, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 23; Nays 0.

Yeas:

Messrs.:	Denton	Keener	Parsons
Barron	Glass	Kirkland	St. John
Britnell	Goodwin	Little	Smith
Callahan	Hall	McDonald	Teague
Cook	Higginbotham	Miller	Weeks
deGraffenried	Holmes	Mitchem	White

—23

Nays: —0

RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 137. PROCEDURE FOR CONSENT CALENDAR FOR 26th LEGISLATIVE DAY.

RESOLVED BY THE SENATE That the Senate bills appearing on the Consent Calendar for the 26th Legislative Day take precedence over House bills.

Which was adopted.

REPORTS OF COMMITTEES

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Bennett, Wyatt and Amari:

H. 256. To provide for a procedure of payroll deductions for certain contributions made by state officers and employees.

By Rep. Owens:

H. 831. To establish a Capitol Complex Maintenance and Repair Fund and to authorize the Department of Finance to charge rent on state buildings and to appropriate same.

Mr. Higginbotham, Chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Bedsole and Harper:

H. 417. To allow all local Boards of Education to expend reasonable sums for payment to employees for suggestions.

By Rep. Drinkard, et al:

H. 283. To amend Section 16-60-88 of the Code of Alabama 1975 relating to determination of location of trade schools and junior colleges so as to provide that such determination be subject to approval of the legislature.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Keener:

S. 415. To amend sections 11-50-15 and 11-50-234 of the Code of Alabama 1975 which relate to fees of the boards of directors of public corporations, so as to increase the maximum fees which may be paid.

By Rep. Smith (C):

H. 114. To amend Sections 11-54-20 and 11-54-21 and Sections 11-54-80 and 11-54-81 of the Code of Alabama 1975, relating to municipalities and municipal industrial development boards and authorizing the acquisition, ownership and leasing of projects to promote industry and trade so as to include facilities for tourism and amusement parks in the projects authorized.

By Rep. Gafford:

H. 360. To amend Sections 22-5-2, 22-5-4, 22-5-5, 22-5-6 and 22-5-7, Code of Alabama 1975, relating to the state commission on physical fitness, so as to provide further for the protection, promotion and improvement of the physical fitness of residents of the state; to provide further for the number of members constituting a quorum; to provide further for the duties of the commission; and to provide further for merit system employment for employees of the commission.

By Reps. Harrison and Gafford:

H. 371. To amend Act No. 691, 1978 Regular Session (Now appearing as Code of Alabama 1975, Chapter 17-18A) which act relates to Presidential Preference Primaries, so as to change the date of such primaries, the method of filing petitions of candidacy, the selection and pledging of delegates to national conventions and the setting of filing fees; and to repeal Sections 6, 8, 9, 10, 11, 12, 13, 14, and 15 of said Act.

By Rep. Carothers:

H. 639. To amend Sectoin 34-4-50, Code of Alabama 1975, which provides the requirements for the state board of auctioneers, so as to require each member of the board to be a licensed auctioneer.

By Rep. Waggoner:

H. 708. To alter the boundary line between Shelby and Jefferson Counties.

By Rep. Stout:

H. 758. To ratify the action of cities or towns in awarding and proceeding under contracts for improvements, the cost of which is to be assessed against the property drained, served or benefited by such improvements, when bids for the construction of such improvements were received and contracts were awarded and executed before the holding of the protest meeting required by Section 11-48-8 of the CODE OF ALABAMA 1975, and to state the limitations on such ratification.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Hall, Bailey, Lemaster, Martin, Denton, Parsons, and Holmes (With Amendment):

S. 466. Relating to elections; to provide for the designation of a principal campaign committee by each candidate for election to state office; to provide for the registration of political committees (including the principal campaign committee of each candidate) with the state; to provide for the reporting of contributions received and expenditures made by political committees, to permit contributions and expenditures by business corporations with respect to an election under certain circumstances; to provide for the designation of campaign depositories; to provide for the implementation and enforcement of the act; to define certain terms used in this act; to provide for the disbursement of campaign contributions in excess of expenditures; to provide for requirements relating to campaign advertising, to prohibit the intimidation of voters, certain expenditures to influence voting, the promise of appointment by a candidate, the promise of employment or other benefit for political activity, the deprivation of employment or other benefit for political activity, the publication or distribution of certain political statements, any contribution in the name of another, any contribution of currency in excess of a specified amount, fraudulent misrepresentations of campaign authority, and certain enumerated corrupt practices with respect to elections; to provide penalties for the violation of the provisions of the act; and to repeal Chapter 22 of Title 17 of the Code of Alabama 1975.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Smith:

S. 530. To authorize the maintenance and testing of voting machines no later than ten (10) days before the election; to require returning officers to return vote totals, ballots, and ballot boxes to the courthouse immediately after the closing of the polls; to require vote counting to start immediately upon the closing of the polls; to authorize the use of a greater variety of vote tabulating equipment including electronic vote counting systems; to provide for a clearinghouse for information on voting equipment and for the testing and certification of such equipment; to amend section 17-9-17, section 17-13-6, section 17-14-1, section 17-16-30, section 17-16-32, and section 17-16-35, to accomplish the foregoing.

By Mr. Callahan:

S. 597. To authorize licensing to engage in alcoholic beverage transactions by the Alabama Alcoholic Beverage Control Board; to provide for application for, and issuance and renewal of, and regulation of the grant of licenses; to impose, levy and authorize state, county and municipality license fees for engaging in manufacture, warehousing, wholesale and retail sale of alcoholic beverages; to prescribe penalties including suspension or revocation of licenses and fines against licensees for violation of laws and regulations of the board; to repeal all laws or parts of laws in conflict herewith.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Britnell:

S. 622. To repeal Act No. 1220, S. 618, Regular Session 1973, (Acts 1973, p. 2068) entitled "An Act To authorize the Tax Assessor, Tax Collector, and Clerk of the Circuit Court, Circuit Judge, Judge of Probate Court and Judge of the Intermediate Court in all counties having a population of not less than 23,900 nor more than 24,450 to hire clerical assistants, to set the compensation of such assistants, and to provide that the salaries of such assistants be paid from the general funds of such Counties."

By Mr. Britnell (with notice and proof):

S. 623. Relating to Franklin County to authorize the tax assessor, tax collector and judge of probate to hire clerical assistants, to assist him in the performance of his duties.

By Mr. Britnell (with notice and proof):

S. 624. Relating to Franklin County; providing further for the compensation of election officials.

By Mr. Britnell (with notice and proof):

S. 625. Relating to Franklin County; providing further for the distribution of the payments made in lieu of ad valorem taxes by the Tennessee Valley Authority as authorized by Section 40-28-2, Code of Alabama 1975.

By Messrs. Taylor and Goodwin (with notice and proof):

S. 628. To amend Act No. 871 (1969 Regular Session H. 1200, p. 1520) relating to law enforcement so as to fix the fee for the issuance of pistol permits in Autauga County and to regulate the disposition and use of such fees, so as to provide further for the disposition and use of such fees; to provide that the provisions of this Act shall be severable; and to repeal all laws and parts of laws in conflict with this Act.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Taylor and Goodwin (with notice and proof)(With Substitute):

S. 629. To create the office of supernumerary sheriff for Autauga County and to prescribe the qualifications, duties, appointment, elections and salary of such office.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Little (with notice and proof):

S. 638. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Alexander City, in Tallapoosa County.

By Reps. Brakefield and Naramore (with notice and proof):

H. 603. Relating to Walker County; to allow tax assessment on a year-round basis and to require the probate judge to make available to the tax assessor any deed recording transaction within 30 days of the recording date.

By Reps. Moore and Smith (C):

H. 702. Relating to Shelby County, to repeal Act No. 700, H. 737, 1976 Regular Session (Acts of Alabama 1976, p. 967), which act provides for the rehabilitation of Shelby County prisoners through work-release and other programs.

By Reps. Sasser, Ray, Grimsley and Whatley (with notice and proof):

H. 721. To authorize and require the City of Eufaula located in Barbour County to fix rules and regulations for the sale of alcoholic beverages within the premises of any state park located in such City.

By Reps. Coburn, Greer and Starkey (with notice and proof):

H. 755. Relating to Lauderdale County; to further amend Act No. 296 enacted at the 1949 Regular Session of the Legislature of the State of Alabama, as amended by Act No. 470 enacted at the 1959 Regular Session of the

Alabama Legislature, and as further amended by Act No. 548 enacted at the 1975 Regular Session of the Alabama Legislature, relative to privilege or license taxes and excise taxes levied by said Act No. 296 in Lauderdale County outside the city limits of the City of Florence and in the City of Florence, Lauderdale County, by amending Section 11 of said Act No. 296 to provide that all revenues arising from the taxes thereby levied applicable to Lauderdale County outside the city limits of the City of Florence shall be used exclusively for public school purposes and solely for capital outlay, construction and maintenance of the county public schools of Lauderdale County, provided that in the event the Governor shall restrict allotments of educational appropriations made by the Legislature to prevent an overdraft or deficiency in any fiscal year for which such educational appropriations are made by prorating the available revenues among the various departments, boards, bureaus, commissions, agencies, offices and institutions of the State, the said revenues from the tax levied by said Act No. 296 applicable to Lauderdale County outside the city limits of the City of Florence may, in the discretion of the County Board of Education of Lauderdale County, also be used in such fiscal year for general educational purposes, including the payment of teachers' salaries, other current school expenses and the cost of school transportation; subject, however, to all pledges of the revenues from said taxes heretofore or hereafter made to Warrants or other obligations of the County Board of Education of Lauderdale County; and to amend Section 12 of said Act No. 296 to provide that all revenues arising from the tax thereby levied applicable to the City of Florence shall be used exclusively for public school purposes and solely for capital outlay, construction and maintenance of city public schools and the payment of teachers' salaries and other current school expenses, including costs of school transportation, subject, however, to all pledges of the revenues from said taxes heretofore or hereafter made to Warrants or other obligations of the City Board of Education of the City of Florence.

By Rep. Gilmer (with notice and proof):

H. 763. Relating to Fayette County; giving the county governing body certain powers in regard to maintaining roads and rights-of-way leading to homes or residences on private property.

By Rep. Starkey (with notice and proof):

H. 802. Relating to Lauderdale County; to amend Act 457, H. 1055, 1975 Regular Session (Acts 1975, p. 1084) which relates to parking facilities near the county courthouse so as to further regulate said parking facilities.

By Rep. Blake (with notice and proof):

H. 895. Relating to St. Clair County; to amend Act No. 515, H. 1028, Regular Session 1969 (Acts 1969, p. 985) entitled "An Act Relating to St. Clair County; levying a privilege license or excise tax upon sellers, distributors or users of malt or brewed beverages, said privilege license or excise tax to vary in amount based upon the location within St. Clair County where said sale of malt or brewed beverages is consummated; providing for the administration of this act and the collection and use of the proceeds of the tax; providing penalties for violations," so as to levy further a privilege, license or excise tax upon sellers, distributors, or users of malt or brewed beverages and to provide further for the distribution of the proceeds of said tax; and to provide for its retroactive effect.

By Reps. Starkey and Greer (with notice and proof):

H. 897. Relating to Lauderdale County, providing that the Probate Judge shall appoint one or more regular clerks in the probate office as deputy registrars empowered to take applications for voter registration at any time the probate office is open for business.

By Reps. Greer and Coburn:

H. 902. To repeal Act No. 247, H. 937, approved August 6, 1976, Regular Session 1976 (Acts 1976, p. 285), entitled, "An Act Relating to the counties having a population of not less than 65,500 nor more than 75,200 inhabitants according to the most recent federal decennial census; authorizing the governing body of such counties to authorize the Sheriff of the county to employ a cook at the jail, empowering the governing body of the county to fix the compensation of such cook and providing for the payment thereof out of the general funds of the county, retroactive to January 1, 1975."

By Reps. Greer and Coburn (with notice and proof):

H. 903. Relating to Lauderdale County; authorizing the governing body of said county to authorize the Sheriff of the county to employ a cook at the jail; empowering the governing body of said county to fix the compensation of such cook and providing for the payment thereof out of the general funds of the county.

By Mr. St. John (with notice and proof):

S. 604. Relating to Cullman County; to establish a county personnel board; to provide for the appointment, and compensation of the members; and to provide for the powers, duties and authority of the personnel board in the personnel administration of the county.

By Mr. St. John (with notice and proof):

S. 605. Relating to Cullman County; to provide for the construction, repair, and maintenance of roads and bridges; to provide for the powers and duties of the county commission and the state highway department in this respect; to provide for the transfer of certain equipment, funds and personnel; to provide for the appointment of a county engineer; to provide for the compensation of all county road employees; to provide a salary supplement for members of the county commission; and to provide for approval by the electors of Cullman County as an alternate means of effectuating the provisions hereof.

By Mr. Mitchem (with notice and proof):

S. 636. Relating to Marshall County; to provide further for the powers and duties of the county commission; to ratify and confirm certain expenditures heretofore made to the custodian of voting machines; and to provide further for the method of compensation of said custodian by the county commission.

By Mr. Lemaster (with notice and proof):

S. 639. Relating to Jackson County; to provide for the distribution of funds received by the county from payments in lieu of taxes made by the Tennessee Valley Authority.

By Mr. Lemaster (with notice and proof):

S. 640. Relating to Jackson County; relating to the county commission; creating a department of public works for the county; providing for the construction, maintenance and repair of county roads and bridges; providing for the classification and responsibilities of certain employees and their compensation therefor; providing for duties of a county engineer; establishing temporary additional expense allowances for the chairman and members of the Jackson County Commission for a period during the transition from a "captive county" highway program to a county system; and providing that the provisions of this act shall be contingent on the passage of certain legislation.

By Mr. Lemaster (with notice and proof):

S. 641. Relating to Dekalb County; relating to the county commission; creating a department of public works for the county; providing for the construction, maintenance and repair of county roads and bridges; providing for the classification and responsibilities of certain employees and their compensation therefor; providing for duties of a county engineer; establishing temporary additional expense allowances for the chairman and members of the Dekalb County Commission for a period during the transition from a "captive county" highway program to a county system; and providing that the provisions of this act shall be contingent on the passage of certain legislation.

By Reps. Manley and Pegues (with notice and proof):

H. 397. Relating to Marengo County; to provide for the mileage allowance of the county coroner, to make this act retroactive.

By Rep. Moore:

H. 426. Relating to the eighteenth judicial circuit of Alabama; to amend the title and Section 1 of Act No. 119, H. 52, 1975 Third Special Session (Acts of 1975, p. 347), entitled "An Act To provide an expense allowance to the official court reporter, for Circuit Judge Place No. 1 of the eighteenth judicial circuit of Alabama payable by the counties composing said circuit" as last amended, so as to provide an expense allowance to the official court reporter for Circuit Judge Place No. 3 of the eighteenth judicial circuit of Alabama.

By Reps. Moore and Waggoner (with notice and proof):

H. 607. To provide for a personnel board for employees of county law enforcement officers in Shelby County; to provide for the compensation, terms of office and compensation for members of said board; to authorize the board to regulate, by promulgation of rules and regulations, appointments, qualifications, tenures, salaries, promotions and dismissals of said employees; to provide for the duties and functions of the board; to provide for a hearing and appeal procedure for employees who have had disciplinary action taken against them; to provide a procedure for the board for accepting and filing applications for employment within county law enforcement offices and providing for the appointment of qualified applicants to such positions; to provide for a procedure for hearing complaints within the various law enforcement offices; to grant certain powers of deposition and subpoena to the board for the facilitation of the board's hearings and investigations; to provide that all meetings of the board shall be open to the public; to provide appeal to the circuit court for adverse decisions of the board; to

prohibit employees under control of the board from participating in certain political activities; to provide that the board's expenses of operation shall be financed from the proceeds of an additional tax on county sales of beer and brewed beverages enacted at the 1977 legislative session; to provide a procedure whereby municipalities may come under the provisions hereof; to provide penalties for violations of any provisions of the act; to repeal conflicting laws; and to provide for its effective date.

By Reps. Whatley, Ward and Turnham (with notice and proof):

H. 717. Relating to Lee County; providing for the payment of an additional expense allowance to the chairman and members of the county commission or like governing body of Lee County.

By Rep. Bowling:

H. 820. To repeal Act No. 2362, H. 144, Regular Session 1971 (Acts 1971, p. 3795), entitled, "An Act Relating to counties having populations of not less than 16,600 nor more than 16,950, fixing the fee for issuance of a pistol permit by the sheriff and providing for the disposition and use of such fees."

By Rep. Bowling (with notice and proof):

H. 822. Relating to Winston County; fixing the fee for the issuance of pistol permits by the sheriff, providing for the deposit of such fees in a sheriff's fund, and providing for the use of such fund.

By Reps. Cosby, Pegues and Edwards (with notice and proof):

H. 828. To amend Section 2 of Act No. 414, H. 744, Regular Session of 1978 (Acts 1978, p. 411) entitled "An Act relating to Dallas County; to provide a District Attorney's Fund for Dallas County; and to provide an expense supplement for the District Attorney, Deputy District Attorney or the Assistant District Attorney serving as Deputy District Attorney and the part-time Assistant District Attorney for Dallas County from the District Attorney's Fund" so as to provide further for such expense supplement.

By Reps. Whatley, Ward and Turnham (with notice and proof):

H. 850. Relating to Lee County; authorizing the Lee County Commission to set the allocations for clerk hire allowances in the offices of the probate judge, the tax assessor and the tax collector, respectively; and repealing conflicting laws.

By Reps. Ward, Turnham and Whatley (with notice and proof):

H. 862. Relating to Lee County; providing for purging the lists of registered voters; requiring and prescribing the procedure for the re-identification of registered voters; placing certain duties on the board of registrars, judge of probate, and the county governing body relative to the re-identification of registered voters; and providing a penalty for willfully making a false statement in connection with re-identification.

By Reps. Holley and Ray (with notice and proof):

H. 877. Relating to Coffee County; fixing the fee for the issuance of pistol permits and providing for the disposition of such fees.

By Reps. Holley and Ray (with notice and proof):

H. 878. Relating to Coffee County; to provide further for the costs and charges of district and circuit courts and to provide for the disposition thereof.

By Reps. Venable and Grouby (with notice and proof):

H. 899. Relating to Elmore County; to provide a procedure for handling cases involving invalid personal checks given for licenses, and the voiding of such licenses.

By Reps. Venable and Grouby (with notice and proof):

H. 900. Relating to Elmore County; to increase the compensation of members of the Board of Equalization.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Reps. Coburn and Goodwin (with notice and proof)(With Amendment):

H. 905. Relating to Colbert County; to provide further for the distribution of the payments made in lieu of ad valorem taxes by the Tennessee Valley Authority as authorized by Section 40-28-2, Code of Alabama 1975.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Bowling and Brakefield:

H. 916. Proposing an amendment to the Constitution of 1901, as amended, to repeal Amendment No. 255 to the Constitution of 1901, relating to Winston County and referendums on local legislation.

The above Bill was read a second time at length as required by the Constitution.

By Reps. Rains and Stout (with notice and proof):

H. 917. Relating to DeKalb County providing additional or supplemental laws applicable to sub-division regulations and public health in DeKalb County because of the porous sandy soil and sand rock structure of the soil in said county; providing that neither the State Department of Health nor any other state or local officer or agency shall withhold approval of any sub-division or any lot therein nor withhold or refuse to issue a septic tank permit or health approval on any tract of land, which has topsoil of at least 36 inches over sandstone and has a percolation rate of one inch in 60 minutes or less.

By Rep. Willis (with notice and proof):

H. 921. To amend Section 3 of Act No. 2182, H. 2753 of the Regular Session of 1971, (Acts 1971, p. 3489), relating to the civil service system of the City of Jacksonville, so as to provide a further exemption from the civil service provisions for any city librarian.

By Reps. Laird and Ward (with notice and proof):

H. 923. Relating to Chambers County; to authorize the Chambers county commission to establish Industrial Parks within the county; to provide for the designation and regulation of such Industrial Parks; to designate

the facilities to be furnished and maintained by the Industrial Parks; to exempt Industrial Parks from annexation by municipalities; to exempt Industrial Parks from being included in the police jurisdiction of municipalities; and to confirm the rights and responsibilities of county commissions, including the right of taxation.

By Reps. Laird and Ward (with notice and proof):

H. 924. Relating to Chambers County; to provide for the salary and mileage allowance of the county coroner.

By Rep. Carothers (with notice and proof):

H. 927. To provide for and prescribe the form of government of the City of Dothan, Alabama.

By Reps. Manley and Pegues (with notice and proof):

H. 952. Relating to Marengo County; to repeal Section 15 of Act No. 311, H. 904, 1923 Regular Session (Acts 1923, p. 188), which act establishes the county governing body, so as to remove the requirements that the county governing body annually inspect and examine public roads and bridges and meet for the purpose of hearing complaints and obtaining the views of the citizens of each district.

By Reps. Manley and Pegues (with notice and proof):

H. 955. Relating to Marengo County; to provide for the office of supernumerary sheriff; and to provide for the qualifications, salaries, and manner of payment of such salaries of any such supernumerary sheriffs.

By Reps. Whatley and Turnham (with notice and proof):

H. 958. Relating to Lee County; providing a salary increase for the tax assessor.

Mr. Teague, Chairman of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Callahan:

S. 591. To amend Act 534 of the Regular Session of 1976, being codified as Chapter 7 of Title 9 of the Code of Alabama of 1975 as amended, said Act 534 and said Chapter 7 of Title 9 of said Code relating to the Preservation and Development of Coastal Areas.

By Rep. Drinkard, et al:

H. 427. To provide for a privilege license for automotive dismantlers and parts recyclers; to fix a fee for such license; to require proof of responsibility for such license; to provide for the business which may be carried on under such license; to set qualifications for obtaining such license; to require maintenance of certain records to assist law enforcement officials; to authorize holders of such license to transfer certificates of title to motor vehicles as a licensed motor vehicle dealer; to provide for cancellation or revocation of such license; to require buyers at salvage pools or salvage disposal sales to obtain a buyer's identification card to purchase at such sales, and fix the qualifications for such buyers; to fix a penalty for violations of this Act; and to set an effective date.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Barron:

S. 581. To amend Section 41-4-50 of the Code of Alabama 1975, relating to the division of control and accounts of the department of finance so as to authorize any state employee or retired person or beneficiary under any retirement system administered by the state to elect to have funds for his salary or retirement allowance electronically transferred for deposit in the bank of his choice.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Smith, McDonald, Mitchem, Martin, and St. John:

S. 630. To amend Sections 40-28-1 through 40-28-3, Code of Alabama 1975, which provide for the distribution of in-lieu-of-taxes payments by the Tennessee Valley Authority to counties served by the Tennessee Valley Authority and to dry counties not served by the Tennessee Valley Authority, so as to provide further for said distribution.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report. amd it was read a second time and placed on the calendar, to-wit:

By Mr. St. John:

S. 642. To further provide for and raise revenue for the State of Alabama; to levy an additional tax of 3% on the sale of spirituous or vinous liquors sold by the Alabama Alcoholic Beverage Control Board and on table wine sold by table wine wholesalers in counties wherein said table wine wholesalers are licensed; to provide for the collection of said tax and the distribution thereof to the State Public Welfare Trust Fund and to the Special Mental Health Fund.

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that the following Bills have been placed on the Consent Calendar for today, to-wit:

By Mr. Callahan:

S. 248. To provide the manner corporations not of a business nature may amend or alter their charters.

By Mr. Hall:

S. 473. To establish a student assistance program in the State of Alabama to be known as the Alabama Guaranteed Student Loan Program, which will guarantee loans made by approved lenders to residents of Alabama who are attending or plan to attend eligible institutions in the State

or elsewhere, for the purpose of assisting them in meeting educational expenses; to set forth legislative findings and purposes underlying the Program; to designate the Alabama Commission on Higher Education to administer the program; to vest the Alabama Commission on Higher Education with the powers and duties reasonably needed for the effective implementation and administration of the Program; to provide for periodic auditing of approved institutions; to provide for periodic auditing of approved institutions; to provide a penalty for false statements or misrepresentation in connection with the program; to establish continuance of the Program; to designate the Attorney General as legal counsel for the Program; to authorize a total sum of no more than Two Hundred and Fifty Thousand Dollars ($250,000.00) to be transferred from the Alabama Student Assistance Program; to provide for severability; to repeal conflicting laws; and to provide an effective date.

By Rep. Turnham, et al:

H. 282. To make legislative findings regarding the shortage in the state of facilities for the housing, care and treatment of persons requiring special care, including orphans and persons who are elderly, sick, physically disabled or handicapped, or mentally ill or retarded, as well as the shortage of funds needed to finance such facilities; to define the particular terms used in the substantive provisions of this Act; to provide for and authorize the incorporation by any municipality in the state of one or more special care facilities financing authorities, as public corporations and instrumentalities of the state, upon the filing of an application with, and the making of certain determinations by, the governing body of such municipality; to provide for and authorize the certificate of incorporation of any such authority to be amended at any time and from time to time upon the filing of applications with, and the making of certain determinations by, the governing body of such municipality; to provide for a board of directors of any such authority and the election of the members thereof; to provide for the officers of any such authority and the election thereof; to provide for the general powers to be exercised by any such authority and the conditions under which such powers may be exercised; to empower any such authority to acquire facilities for lease or sale to certain users; to empower any such authority to make loans to certain users; to empower any such authority to acquire authorized purpose obligations created in connection with facilities operated by certain users; to empower any such authority to borrow money for its various corporate purposes and in evidence thereof to issue its notes and bonds; to prescribe certain terms and conditions upon which any such authority may sell and issue its notes and bonds; to authorize any such authority to pledge its revenues and mortgage or assign its assets as security for its notes and bonds; to provide a method for giving constructive notice of any mortgage, security interest, assignment or pledge created or made by any such authority; to provide that the notes and bonds and all other obligations of any such authority shall not constitute or create a debt of the state or any county, municipality or other political subdivision or agency thereof; to provide that the notes and bonds of any such authority shall constitute negotiable instruments; to provide for the creation of special reserve funds and such other funds as may be necessary or desirable for the corporate purposes of any such authority; to provide for the refunding, by the issuance and sale of refunding bonds, of any notes or bonds theretofore issued or obligations theretofore assumed by any such authority; to provide that the notes and bonds of any such authority may be used for the investment of

trust and other fiduciary funds; to exempt from all taxation in the state (i) the property, corporate activities, revenues and income of each such authority, (ii) certain transactions or actions to which each such authority is a party or in which it may be involved and (iii) the notes and bonds of each such authority and the income from such notes and bonds; to exempt any such authority from all laws of the state governing usury or prescribing or limiting interest rates, which exemption shall apply to any payment by any user pursuant to any lease, sale contract, loan agreement or authorized purpose obligation; to exempt any such authority from all laws of the state requiring competitive bids for contracts to be entered into by municipalities or public corporations; to prohibit the sectarian use of facilities financed or assisted by any such authority; to prescribe conditions for any management contract providing for the management of any facility by a party that is not a governmental agency or a not-for-profit organization; to provide for the liberal construction of the provisions of this Act; to provide that any county, municipality or other political subdivision, agency or instrumentality of the state may aid and cooperate with any such authority, lend or donate money or perform services for the benefit thereof, and, without the necessity of an election, donate, sell, convey, transfer, lease or grant thereto any property of any kind; to provide that any such authority shall be a not-for-profit corporation; to provide that the publication of a notice of the adoption of a resolution authorizing the issuance of bonds or notes by any such authority will establish a limited period after such publication within which must be commenced any action or proceeding questioning the validity of such bonds or notes or any instrument securing the same; to provide for the dissolution of any such authority and for the vesting of title to its properties; and to provide that the provisions of this Act shall be severable.

By Rep. Clark:

H. 75. To amend subsection (f) of § 12-14-70, Code of Alabama, 1975, which section relates to appeals from municipal courts to the circuit court and to fix the responsibilities of the municipal courts in the event of dismissal of appeals and to establish procedures for entering judgments of default on appeal bonds.

By Mr. Weeks:

S. 419. To authorize the Director of the Department of Public Safety to enter into and carry out the provisions of the Nonresident Violator Compact of 1977, a compact developed by the Council of State Governments, which provides nonresident motorists receiving a traffic citation in a participating state the opportunity to receive the same privileges and sanctions offered to resident motorists.

By Messrs. Mitchem and Kirkland:

S. 256. To amend § 9-14-5, Code of Alabama 1975, so as to require the Alabama State Highway Department to repair and maintain all roads and bridges described therein.

By Reps. Zoghby, Bedsole and Sandusky:

H. 203. To be known as the "Historical Preservation Authorities Act of 1979"; to authorize the incorporation in this state of public corporations for the purpose of undertaking and making or causing to be made engineering, architectural, technical, financial, legal and other appropriate studies and surveys with respect to restoring, renovating, preserving, improving, protecting or maintaining any public or private property within the state that

has been listed in the National Register of Historic Places and developing property in the vicinity thereof, restoring, constructing, acquiring, owning, operating, leasing, selling and otherwise disposing of any such property, and cooperating with and lending financial assistance and other aid to municipalities, communities, counties, individuals, associations, partnerships, and public and private corporations in any matters and undertakings having to do with or the end purpose of which is to restore, renovate, preserve, improve, protect or maintain any such property; to provide the method of incorporating such corporations, the management thereof, and the election of directors thereof; to specify the powers and duties of such corporations; to authorize such corporations to issue bonds payable solely from the revenues of such corporations derived from the operation or leasing or sale of any such property and to secure such bonds by pledges of such revenues and by mortgages on any such property; to provide that no bond or obligation created or assumed by such corporations shall create an obligation or debt of any county or municipality or of the state; to authorize the refunding of any such bonds; to provide that all such bonds shall be negotiable instruments; to authorize such corporations to enter into contracts to secure payment of such bonds; to authorize such corporations to create a statutory mortgage lien on property of such corporation in favor of the holders of such bonds; to provide for the use of proceeds from the sale of bonds of such corporations; to authorize any county, municipality, or other political subdivision, public corporation, agency or instrumentality of this state to lend or donate money to or perform services for the benefit of such corporations, or to donate, sell, convey, transfer, lease or grant to such corporations, without the necessity of authorization at any election of qualified voters, any property of any kind, any interest therein and any franchise, and to do any and all things, whether or not specifically authorized in this act and not otherwise prohibited by law, that are necessary or convenient in connection with aiding and cooperating with such corporations in furtherance of their corporate purposes; to exempt from taxation such public corporations and their property and income, all bonds issued by such corporations, the income and interest from such bonds, conveyances by and to such corporations, and leases, mortgages and deeds of trust by and to such corporations; to provide for the filing of the certificates of incorporation or the recording of any document by such corporations without the payment of any fees, taxes or costs; to provide for reports by such corporations to the governor; to declare that this act shall be cumulative and not restrictive of powers otherwise provided by law; to provide for the severability of the provisions hereof; to provide the effective date hereof; to exempt any corporation organized hereunder from Sections 41-16-50 through 41-16-63 of the CODE OF ALABAMA 1975; and to provide for the dissolution of such corporations and the disposition of their property upon dissolution, and to specifically repeal Act No. 822, H. 557, 1978 Regular Session (Acts 1978, p. 1213) as codified as Sections 41-10-120 through 41-10-134, Code of Alabama 1975, and other conflicting laws.

By Rep. Ward, et al:

H. 304. Relating to electors; to authorize incorporated municipalities to enter into contracts with any county and its board of registrars to conduct a program of indentification of registered electors residing within the corporate limits of the municipality; to provide that any county and its board of registrars may conduct an indentification program of electors residing in the municipality; to authorize incorporated municipalities to expend public funds for such purposes herein set forth.

By Rep. Riddick:

H. 182. To amend Section 6-5-390, Code of Alabama 1975, so as to provide that a mother, as well as the father, may sue in behalf of her minor child.

By Rep. Biddle:

H. 8. To amend Section 23-5-5, Code of Alabama 1975, relating to dumping of trash or litter on public roads, so as to further provide for the penalties for violations.

By Mr. McDonald:

S. 533. To amend the Code of Alabama 1975, Section 40-23-35, to remove the staffing restriction placed on employees in the Department of Pensions and Security county food stamp offices.

By Mr. Vacca:

S. 497. To make a conditional appropriation for capital improvements at the Alabama Youth Services Roebuck Campus, Roebuck, Birmingham, Alabama, for the fiscal year ending September 30, 1979.

By Mr. Vacca:

S. 347. To authorize the mayor or other chief executive officer of any municipality in this state to appoint a parole board, its members and term of office, and to prescribe duties thereof and of parole officers in granting and revoking paroles and work or educational releases; to confer powers of arrest upon parole officers, with or without warrant.

By Rep. Ford (With Amendment):

H. 305. To amend Section 8 of Act No. 138, S. 1 of the 1978 Second Special Session (Acts 1978, p. 1883) which section prescribes the use of bond proceeds, issued by the Alabama Public School and College Authority, for elementary-secondary school systems for capital improvements and educational purposes, so as to further prescribe the use of funds for Etowah County.

By Mr. Gulledge:

S. 443. To further regulate architects and the practice of architecture and to repeal sections 34-2-1 through 34-2-24, Code of Alabama 1975.

By Mr. Gulledge:

S. 518. To amend Section 22-21-77 of the Code of Alabama 1975, so as to further provide for the powers of county hospital boards and corporations.

RESOLUTION

The Standing Committee on Rules reported the following Senate Resolution, to-wit:

S. R. 138. RESOLVED BY THE SENATE That the following business in the order named be special and paramount order of business upon reaching bills on 3rd reading for the 26th Legislative Day:

Bill No.	Page No.	Description
H. B. 386	120	Education Budget
S. B. 590	99	Unemp. Comp. Act, ext. amended
S. B. 589	85	Suppl. approp., cert. co.'s & cities, maint of prisoners
S. B. 324	68	Energy conservation building code
S. B. 627	110	Awarding of public contracts of $2,000 or more
S. B. 535	113	Co's to borrow funds when taxes not collected
S. B. 295	7	Approp. Talladega Coll.
S. B. 296	6	Approp. Tuskegee Inst.
S. B. 297	7	Approp. Marion Military Inst.
S. B. 298	8	Approp., Walker Co. Jr. College
S. B. 299	8	Approp. Lyman Ward Military Acad.
H. B. 387	91	State Banking Dept.
H. B. 580	105	State Emp. & Teachers cond. salary inc.
S. B. 150	28	Cert. probate judges, min. sal.
S. B. 242	48	Primary election, date changed
S. B. 33	4	Cancelling share of a corp., procedure
S. B. 20	2	Reg. of sale of cert. school courses
S. B. 343	44	Waiver of exemption rights
S. B. 476	86	Acceleration of Alabama Soil surveys
S. B. 190	32	Cleburne, cap. outlay cond. approp.
S. B. 340	46	Solar Energy, inc. tax credit
S. B. 381	84	Marshall, No. of district judges
S. B. 354	37	Firefighters' pers. standards & ed. comm.
S. B. 580	97	Fuel adj. clause, H'way Dept. & priv. cont.
S. B. 543	59	Teacher competency tests
S. B. 500	93	ABC Board approp. increased
S. B. 521	73	Health Care resp. act
S. B. 577	95	Co. & city bd. of ed. to borrow against warrents
S. B. 382	75	Program of abandoned mine reclamation
S. B. 356	30	Absentee voting, procedure altered
S. B. 512	67	Non-profit corp. Act amended
S. B. 178	21	Forest law. enf. off. auth.

S. B. 245	9	St. Forestry Comm., LEO, certain powers
S. B. 358	42	St. Board of Social Work exam approp.
S. B. 387	51	Banking Dept. lic.
S. B. 193	45	Chief Exam. of pub. accts. & asst. salary
S. B. 328	80	Nuclear facilities, emp. crim. records
S. B. 368	31	School bldg. const. retainage
S. B. 86	74	Hosp. ins. to inc. serv. of social worker
S. B. 338	24	Oil redefined
H. B. 157	35	Real Estate
S. B. 397	50	Int. compact on placement of children
H. B. 24	36	Unclassified employees
S. B. 451	81	Possession of firearms prohib.
S. B. 490	54	Co. Commission
S. B. 27	4	Trucks w/cert. rd. bldg. mat. exempt PSC reg.
S. B. 151	114	Podiatry
S. B. 449	44	Dismissed procedures

And said Resolution was adopted by the Senate.

CONSENT CALENDAR BILLS ON THIRD READING

The Bill:

S. 248. To provide the manner corporations not of a business nature may amend or alter their charters.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

Yeas:

Messrs.:	Glass	McDonald	St. John	
Barron	Goodwin	Miller	Smith	
Britnell	Hall	Mitchem	Teague	
Callahan	Holmes	Pearson	Vacca	
Denton	Little	Robertson		—18

Nays: —0

The Bill:

S. 473. To establish a student assistance program in the State of Alabama to be known as the Alabama Guaranteed Student Loan Program, which will guarantee loans made by approved lenders to residents of Alabama who are attending or plan to attend eligible institutions in the State or elsewhere, for the purpose of assisting them in meeting educational expenses; to set forth legislative findings and purposes underlying the Program; to designate the Alabama Commission on Higher Education to administer the program; to

vest the Alabama Commission on Higher Education with the powers and duties reasonably needed for the effective implementation and administration of the Program; to provide for periodic auditing of approved institutions; to provide a penalty for false statements or misrepresentation in connection with the program; to establish continuance of the Program; to designate the Attorney General as legal counsel for the Program; to authorize a total sum of no more than Two Hundred and Fifty Thousand Dollars ($250,000.00) to be transferred from the Alabama Student Assistance Program; to provide for severability; to repeal conflicting laws; and to provide an effective date.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 21; Nays 0.

Abstaining 1.

Yeas:

Messrs.:	Goodwin	McDonald	Smith	
Bailey	Hall	Miller	Taylor	
Britnell	Holmes	Mitchem	Teague	
Callahan	Keener	Parsons	Vacca	
Denton	Lemaster	St. John	White	
Glass	Little			—21

Nays: —0

Abstaining: Mr. Robertson. —1

The Bill:

S. 256. To amend § 9-14-5, Code of Alabama 1975, so as to require the Alabama State Highway Department to repair and maintain all roads and bridges described therein.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Denton	Little	St. John	
Bailey	Goodwin	McDonald	Smith	
Britnell	Higginbotham	Miller	Taylor	
Callahan	Holmes	Mitchem	Vacca	
Cook	Keener	Parsons	Weeks	
deGraffenried	Lemaster			—21

Nays: —0

RESOLUTION

Mr. Denton offered the following Senate Resolution, to-wit:

S. R. 139. COMMENDING MR. MICHAEL McMACKIN, COORDINATOR AND DIRECTOR OF TUSCUMBIA'S FIRST HELEN KELLER FESTIVAL.

Which was adopted.

CONSENT CALENDAR BILLS ON THIRD READING RESUMED

The Bill:

S. 419. To authorize the Director of the Department of Public Safety to enter into and carry out the provisions of the Nonresident Violator Compact of 1977, a compact developed by the Council of State Governments, which provides nonresident motorists receiving a traffic citation in a participating state the opportunity to receive the same privileges and sanctions offered to resident motorists.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 0.

Yeas:

Messrs.:	Hall	Little	St. John	
Britnell	Higginbotham	McDonald	Smith	
Callahan	Holmes	Miller	Taylor	
deGraffenried	Keener	Mitchem	Vacca	
Denton	Kirkland	Parsons	Weeks	
Goodwin	Lemaster	Pearson		—22

Nays: —0

The Bill:

S. 497. To make a conditional appropriation for capital improvements at the Alabama Youth Services Roebuck Campus, Roebuck, Birmingham, Alabama, for the fiscal year ending September 30, 1979.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Denton	Kirkland	St. John	
Barron	Gulledge	Lemaster	Smith	
Britnell	Hall	Little	Teague	
Cook	Harrison	Miller	Vacca	
deGraffenried	Keener	Mitchem	White	
				—19

Nays: —0

The Bill:

S. 533. To amend the Code of Alabama 1975, Section 40-23-35, to remove the staffing restriction placed on employees in the Department of Pensions and Security county food stamp offices.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 0.

Yeas:

Messrs.:	Holmes	McDonald	Smith
Britnell	Keener	Miller	Taylor
Denton	Kirkland	Mitchem	Teague
Goodwin	Lemaster	Parsons	Vacca
Gulledge	Little	St. John	White
Hall			—20

Nays: —0

The Bill:

S. 347. To authorize the mayor or other chief executive officer of any municipality in this state to appoint a parole board, its members and term of office, and to prescribe duties thereof and of parole officers in granting and revoking paroles and work or educational releases; to confer powers of arrest upon parole officers, with or without warrant.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Goodwin	Keener	St. John
Britnell	Gulledge	Lemaster	Smith
Callahan	Hall	Little	Taylor
Denton	Harrison	McDonald	Vacca
Figures	Holmes	Parsons	White
			—19

Nays: —0

The Bill:

S. 443. To further regulate architects and the practice of architecture and to repeal sections 34-2-1 through 34-2-24, Code of Alabama 1975.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

Yeas:

Messrs.:	Hall	Little	Smith
Britnell	Harrison	Mitchem	Taylor
Callahan	Holmes	Parsons	Vacca
Goodwin	Keener	Robertson	White
Gulledge	Kirkland	St. John	—18

Nays: —0

The Bill:

S. 518. To amend Section 22-21-77 of the Code of Alabama 1975, so as to further provide for the powers of county hospital boards and corporations.

was taken up.

Mr. Gulledge was granted permission to suspend the Rules in order to offer a substitute for the Bill, S. B. 518, to-wit:

SUBSTITUTE FOR S. B. 518

A BILL
TO BE ENTITLED
AN ACT

To amend Section 22-21-77 of the Code of Alabama 1975, so as to further provide for the powers of county hospital boards and corporations.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 22-21-77 of the Code of Alabama 1975, is amended to read as follows:

"§ 22-21-77.

"The corporation shall have the following powers, together with all powers incidental thereto or necessary to the discharge thereof in corporate form:

"(1) To have succession by its corporate name for the duration of time, which may be in perpetuity, specified in its certificate of incorporation or until dissolved as provided in section 22-21-82;

"(2) To maintain actions and have actions maintained against it and to defend actions maintained against it;

"(3) To make use of a corporate seal and to alter the same at pleasure;

"(4) To receive, acquire, take and hold, whether by purchase, gift, lease, devise or otherwise, real and personal estate of every description and to manage and dispose of same by any form of legal conveyance or transfer;

"(5) To acquire, construct, equip, enlarge, improve, maintain and operate a hospital and to do all things necessary to that end;

"(6) With the approval of the board of directors, to design, construct, purchase or otherwise acquire hospitals, clinics and other hospital facilities, and to lease or otherwise make available such facilities to such persons, firms, partnerships, associations or corporations and on such terms as they deem to be necessary and appropriate and consistent with the maintenance of public health services and facilities;

"(7) To conduct nurses' training schools;

"(8) To borrow money and to issue interest-bearing securities in evidence of the borrowing;

"(9) To mortgage, pledge or otherwise convey its property and its revenues from any source;

"(10) To appoint and employ such officers and agents, including attorneys, as the business of the corporation may require;

"(11) To establish and collect and alter charges for services rendered and supplies furnished by it;

"(12) To make rules and regulations for the treatment of charity patients and for the conduct of any hospital owned or operated by it and to alter such rules and regulations;

"(13) To provide for such insurance as the corporation may deem advisable;

"(14) To cooperate with the state board of health, to make such contracts with it as the board of directors of the corporation may deem advisable respecting the operation of any hospital and to take such action not in violation of law as may be necessary in order to qualify the corporation to receive funds appropriated by the United States or the state of Alabama; and

"(15) To invest in direct general obligations of the United States and any trust fund established under and subject to the general laws of this state for investment or self-insurance purposes with investment authority as may be authorized by law for such trusts any funds of the corporation which its board of directors may determine are not presently needed for its corporate purposes."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 20; Nays 0.

Yeas:

Messrs.:	Goodwin	Keener	Robertson
Bailey	Gulledge	Lemaster	St. John
Barron	Hall	Little	Taylor
Britnell	Harrison	Miller	Vacca
Callahan	Holmes	Mitchem	White
Denton			

—20

Nays: —0

And said Bill, S. B. 518, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 23; Nays 0.

Yeas:

Messrs.:	Goodwin	Little	St. John
Bailey	Gulledge	Miller	Smith
Barron	Hall	Mitchem	Taylor
Britnell	Harrison	Parsons	Teague
Cook	Holmes	Pearson	Vacca
Denton	Keener	Robertson	White

—23

Nays: —0

The Bill:

H. 282. To make legislative findings regarding the shortage in the state of facilities for the housing, care and treatment of persons requiring special care, including orphans and persons who are elderly, sick, physically disabled or handicapped, or mentally ill or retarded, as well as the shortage of funds needed to finance such facilities; to define the particular terms used in the substantive provisions of this Act; to provide for and authorize the incorporation by any municipality in the state of one or more special care facilities financing authorities, as public corporations and instrumentalities of the state, upon the filing of an application with, and the making of certain determinations by, the governing body of such municipality; to provide for

and authorize the certificate of incorporation of any such authority to be amended at any time and from time to time upon the filing of applications with, and the making of certain determinations by, the governing body of such municipality; to provide for a board of directors of any such authority and the election of the members thereof; to provide for the officers of any such authority and the election thereof; to provide for the general powers to be exercised by any such authority and the conditions under which such powers may be exercised; to empower any such authority to acquire facilities for lease or sale to certain users; to empower any such authority to make loans to certain users; to empower any such authority to acquire authorized purpose obligations created in connection with facilities operated by certain users; to empower any such authority to borrow money for its various corporate purposes and in evidence thereof to issue its notes and bonds; to prescribe certain terms and conditions upon which any such authority may sell and issue its notes and bonds; to authorize any such authority to pledge its revenues and mortgage or assign its assets as security for its notes and bonds; to provide a method for giving constructive notice of any mortgage, security interest, assignment or pledge created or made by any such authority; to provide that the notes and bonds and all other obligations of any such authority shall not constitute or create a debt of the state or any county, municipality or other political subdivision or agency thereof; to provide that the notes and bonds of any such authority shall constitute negotiable instruments; to provide for the creation of special reserve funds and such other funds as may be necessary or desirable for the corporate purposes of any such authority; to provide for the refunding, by the issuance and sale of refunding bonds, of any notes or bonds theretofore issued or obligations theretofore assumed by any such authority; to provide that the notes and bonds of any such authority may be used for the investment of trust and other fiduciary funds; to exempt from all taxation in the state (i) the property, corporate activities, revenues and income of each such authority, (ii) certain transactions or actions to which each such authority is a party or in which it may be involved and (iii) the notes and bonds of each such authority and the income from such notes and bonds; to exempt any such authority from all laws of the state governing usury or prescribing or limiting interest rates, which exemption shall apply to any payment by any user pursuant to any lease, sale contract, loan agreement or authorized purpose obligation; to exempt any such authority from all laws of the state requiring competitive bids for contracts to be entered into by municipalities or public corporations; to prohibit the sectarian use of facilities financed or assisted by any such authority; to prescribe conditions for any management contract providing for the management of any facility by a party that is not a governmental agency or a not-for-profit organization; to provide for the liberal construction of the provisions of this Act; to provide that any county, municipality or other political subdivision, agency or instrumentality of the state may aid and cooperate with any such authority, lend or donate money or perform services for the benefit thereof, and, without the necessity of an election, donate, sell, convey, transfer, lease or grant thereto any property of any kind; to provide that any such authority shall be a not-for-profit corporation; to provide that the publication of a notice of the adoption of a resolution authorizing the issuance of bonds or notes by any such authority will establish a limited period after such publication within which must be commenced any action or proceeding questioning the validity of such bonds or notes or any instrument securing the same; to provide for the dissolution of any such authority and for the vesting of title to its properties; and to provide that the provisions of this Act shall be severable.

was read a third time at length and passed.

Yeas 23; Nays 0.

Yeas:

Messrs.:	Gulledge	Lemaster	Robertson
Bailey	Hall	Little	St. John
Cook	Harrison	McDonald	Smith
Denton	Holmes	Miller	Taylor
Figures	Keener	Mitchem	Vacca
Goodwin	Kirkland	Pearson	White

—23

Nays: —0

The Bill:

H. 75. To amend subsection (f) of § 12-14-70, Code of Alabama, 1975, which section relates to appeals from municipal courts to the circuit court and to fix the responsibilities of the municipal courts in the event of dismissal of appeals and to establish procedures for entering judgments of default on appeal bonds.

was read a third time at length and passed.

Yeas 23; Nays 0.

Yeas:

Messrs.:	Gulledge	McDonald	St. John
Bailey	Hall	Miller	Smith
Cook	Holmes	Mitchem	Taylor
Denton	Keener	Parsons	Teague
Figures	Kirkland	Pearson	Vacca
Goodwin	Little	Robertson	White

—23

Nays: —0

The Bill:

H. 203. To be known as the "Historical Preservation Authorities Act of 1979"; to authorize the incorporation in this state of public corporations for the purpose of undertaking and making or causing to be made engineering, architectural, technical, financial, legal and other appropriate studies and surveys with respect to restoring, renovating, preserving, improving, protecting or maintaining any public or private property within the state that has been listed in the National Register of Historic Places and developing property in the vicinity thereof, restoring, constructing, acquiring, owning, operating, leasing, selling and otherwise disposing of any such property, and cooperating with and lending financial assistance and other aid to municipalities, communities, counties, individuals, associations, partnerships, and public and private corporations in any matters and undertakings having to do with or the end purpose of which is to restore, renovate, preserve, improve, protect or maintain any such property; to provide the method of incorporating such corporations, the management thereof, and the election of directors thereof; to specify the powers and duties of such corporations; to authorize such corporations to issue bonds payable solely from the revenues

of such corporations derived from the operation or leasing or sale of any such property and to secure such bonds by pledges of such revenues and by mortgages on any such property; to provide that no bond or obligation created or assumed by such corporations shall create an obligation or debt of any county or municipality or of the state; to authorize the refunding of any such bonds; to provide that all such bonds shall be negotiable instruments; to authorize such corporations to enter into contracts to secure payment of such bonds; to authorize such corporations to create a statutory mortgage lien on property of such corporation in favor of the holders of such bonds; to provide for the use of proceeds from the sale of bonds of such corporations; to authorize any county, municipality, or other political subdivision, public corporation, agency or instrumentality of this state to lend or donate money to or perform services for the benefit of such corporations, or to donate, sell, convey, transfer, lease or grant to such corporations, without the necessity of authorization at any election of qualified voters, any property of any kind, any interest therein and any franchise, and to do any and all things, whether or not specifically authorized in this act and not otherwise prohibited by law, that are necessary or convenient in connection with aiding and cooperating with such corporations in futherance of their corporate purposes; to exempt from taxation such public corporations and their property and income, all bonds issued by such corporations, the income and interest from such bonds, conveyances by and to such corporations, and leases, mortgages and deeds of trust by and to such corporations; to provide for the filing of the certificates of incorporation or the recording of any document by such corporations without the payment of any fees, taxes or costs; to provide for reports by such corporations to the governor; to declare that this act shall be cumulative and not restrictive of powers otherwise provided by law; to provide for the severability of the provisions hereof; to provide the effective date hereof; to exempt any corporation organized hereunder from Sections 41-16-50 through 41-16-63 of the CODE OF ALABAMA 1975; and to provide for the dissolution of such corporations and the disposition of their property upon dissolution, and to specifically repeal Act No. 822, H. 557, 1978 Regular Session (Acts 1978, p. 1213) as codified as Sections 41-10-120 through 41-10-134, Code of Alabama 1975, and other conflicting laws.

was read a third time at length and passed.

Yeas 22; Nays 0.

Yeas:

Messrs.:	Figures	McDonald	St. John	
Bailey	Goodwin	Miller	Smith	
Barron	Hall	Mitchem	Taylor	
Britnell	Holmes	Parsons	Teague	
Callahan	Keener	Pearson	White	
Denton	Little	Robertson		—22

Nays: —0

The Bill:

H. 182. To amend Section 6-5-390, Code of Alabama 1975, so as to provide that a mother, as well as the father, may sue in behalf of her minor child.

was taken up.

On motion of Mr. Little, consideration of the Bill, H. B. 182, was postponed temporarily.

The Bill:

H. 8. To amend Section 23-5-5, Code of Alabama 1975, relating to dumping of trash or litter on public roads, so as to further provide for the penalties for violations.

was read a third time at length and passed.

Yeas 18; Nays 0.

Yeas:

Messrs.:	Goodwin	Lemaster	Parsons	
Britnell	Higginbotham	Little	Robertson	
Denton	Holmes	McDonald	St. John	
Figures	Keener	Miller	White	
Glass	Kirkland	Mitchem		—18

Nays: —0

The Bill:

H. 305. To amend Section 8 of Act No. 138, S. 1 of the 1978 Second Special Session (Acts 1978, p. 1883) which section prescribes the use of bond proceeds, issued by the Alabama Public School and College Authority, for elementary-secondary school systems for capital improvements and educational purposes, so as to further prescribe the use of funds for Etowah County.

was taken up.

The Standing Committee on Finance and Taxation reported the following amendment to the Bill, H. B. 305, to-wit:

COMMITTEE AMENDMENT TO H. B. 305

In Section 1, in the quoted Section 8, on page 5, delete the sentence on lines 20, 21, 22 and 23 beginning with the word "Provided" and ending with the word "city." In the same sections, on page 6, lines 10, 11, 12 and 13, delete the sentence beginning on line 10 with the word "All" and ending on line 13 with the word "city."

Which was adopted.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Gulledge	McDonald	Smith	
Barron	Holmes	Miller	Taylor	
Britnell	Keener	Mitchem	Vacca	
Clemon	Kirkland	Pearson	Weeks	
Denton	Lemaster	St. John	White	
Goodwin	Little			—21

Nays: —0

And said Bill, H. B. 305, as thus amended, was read a third time at length and passed.

Yeas 22; Nays 0.

Yeas:

Messrs.:	deGraffenried	Keener	St. John	
Barron	Denton	Kirkland	Smith	
Britnell	Goodwin	Little	Taylor	
Callahan	Hall	McDonald	Vacca	
Clemon	Harrison	Mitchem	White	
Cook	Holmes	Pearson		—22

Nays: —0

UNFINISHED BUSINESS

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

S. 468. To amend Section 6-2-30 of the Code of Alabama 1975, which relates to the commencement of civil actions, so as to specify the date on which the elements of a civil action for injury to the person or rights of another shall first be deemed to accrue.

Mr. Keener offered the following substitute for the Bill, S. B. 468, to-wit:

SUBSTITUTE FOR S. B. 468

A BILL
TO BE ENTITLED
AN ACT

To amend Section 6-2-30 of the Code of Alabama 1975, which relates to the commencement of civil actions, so as to specify the date on which a civil action for injury to the person or rights of another resulting from exposure to radiation, asbestos, or a chemical substance shall first be deemed to accrue.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 6-2-30 of the Code of Alabama 1975 is hereby amended to read as follows:

"§ 6-2-30. All civil actions must be commenced after the cause of action has accrued within the period prescribed in this article and not afterwards, unless otherwise specifically provided for in this Code.

"A civil action for any injury to the person or rights of another resulting from exposure to radiation, asbestos, or a chemical substance shall be deemed to accrue on the first date the injured party, through reasonable diligence, should have reason to discover the injury giving rise to such civil action. This Act shall not apply to or affect in any way actions referred to in Section 6-5-482 of the Code of Alabama, 1975."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law, and shall apply retroactively to all pending causes of action.

Which was adopted.

Yeas 28; Nays 0.

Yeas:

Messrs.:	Figures	Keener	Pearson	
Bailey	Glass	Kirkland	Robertson	
Barron	Goodwin	Little	St. John	
Britnell	Gulledge	McDonald	Smith	
Callahan	Hall	Miller	Taylor	
Clemon	Harrison	Mitchem	Vacca	
Cook	Holmes	Parsons	White	
deGraffenried				—28

Nays: —0

Mr. Callahan moved that further consideration of the Bill, S. B. 468, as amended, be postponed until the next Legislative Day.

On motion of Mr. Keener, the motion to postpone was laid on the table.

Yeas 22; Nays 9.

Yeas:

Messrs.:	Figures	Little	Robertson	
Bailey	Hall	McDonald	St. John	
Barron	Harrison	Mitchem	Smith	
Britnell	Holmes	Parsons	Taylor	
Clemon	Keener	Pearson	Teague	
deGraffenried	Kirkland	Proctor		—22

Nays:

Messrs.:	Denton	Higginbotham	Weeks	
Callahan	Goodwin	Miller	White	
Cook	Gulledge			—9

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 600. Relating to Lawrence County; amending Section 1 of Act No. 700, H. 1016 of the 1978 Regular Session (Acts 1978, Vol. II, p. 1009), relating to compensation for the clerk in the sheriff's office, so as to increase the maximum limit.

Also:

H. 617. Relating to Lawrence County; to place certain limitations on the amount of time which the records of certain registrations and license issued and renewed by the judge of probate and license commissioner of said county must be retained on file.

Also:

H. 618. Relating to Lawrence County; to provide a procedure for handling cases involving invalid personal checks given for licenses, and the voiding of such licenses.

Also:

H. 773. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Moody in St. Clair County.

Also:

H. 809. To repeal Act No. 821, H. 1266, 1965 Regular Session (Acts of Alabama 1965, p. 1534), as amended by Act No. 1030, H. 822, 1969 Regular Session (Acts of Alabama 1969, p. 1907), and to repeal said Act No. 1030, 1969 Regular Session, both of which relate to the fluoridation of water supplies in counties having a population of 600,000 or more according to the most recent federal decennial census.

Also:

H. 810. To repeal Act No. 555, H. 945, 1953 Regular Session (Acts of Alabama 1953, p. 783), which relates to the fluoridation of water supplies in counties having a population of 400,000 or more according to the most recent federal decennial census.

Also:

H. 840. To create an Industrial Development Authority for DeKalb County for the purpose of promoting industry and trade and the development of said County; to provide for the organization, powers, functions, duties and personnel of such Authority and to provide for the payment of the expenses of such Authority and for the compensation of its employees.

Also:

H. 861. Relating to Marion County; authorizing the county commission to pay an additional expense allowance to the chief deputy sherriff, each deputy sheriff and the sheriff's clerk; and giving this act retroactive effect.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

FURTHER CONSIDERATION OF S. B. 468

The Senate proceeded to further consideration of the Bill, S. B. 468, as amended by the substitute.

Mr. Callahan moved that further consideration of the Bill, S. B. 468, as amended, be postponed temporarily.

On motion of Mr. Keener, said motion was laid on the table.

Yeas 17; Nays 11.

Yeas:

Messrs.:	Glass	Kirkland	Proctor	
Bailey	Hall	Little	Smith	
Barron	Harrison	Parsons	Taylor	
deGraffenried	Holmes	Pearson	Teague	
Figures	Keener			—17

Nays:

Messrs.:	Denton	Miller	St. John	
Callahan	Goodwin	Mitchem	Weeks	
Cook	Gulledge	Robertson	White	
				—11

Mr. Callahan then offered the following amendment to the Bill, S. B. 468, as amended, to-wit:

AMENDMENT TO S. B. 468, AS AMENDED

Amend Senate Bill 468, Section 2, line 7 by adding a period after the word law and deleting the remainder of the sentence.

On motion of Mr. Keener, said amendment was laid on the table.

Yeas 18; Nays 13.

Yeas:

Messrs.:	Hall	Lemaster	St. John	
Barron	Harrison	Little	Smith	
Clemon	Holmes	Parsons	Taylor	
deGraffenried	Keener	Pearson	Teague	
Figures	Kirkland	Proctor		—18

Nays:

Messrs.:	Goodwin	Miller	Weeks	
Callahan	Gulledge	Mitchem	White	
Cook	Higginbotham	Robertson		—13
Denton	McDonald			
Glass				

Mr. Callahan then offered the following amendment to the Bill, S. B. 468, as amended, to-wit:

AMENDMENT TO S. B. 468, AS AMENDED

Amend Senate Bill No. 468, as substitute, Page 2 Line 8, by striking out after the word "pending" the words "cause of" and further by changing the word "action" to read "actions".

On motion of Mr. Keener, said amendment was laid on the table.

Yeas 13; Nays 11.

Yeas:

Messrs.:	Hall	Kirkland	Parsons	
Barron	Harrison	Little	Proctor	
deGraffenried	Holmes	McDonald	Smith	
Figures	Keener			—13

Nays:

Messrs.:	Denton	Miller	St. John	
Bailey	Goodwin	Mitchem	Taylor	
Callahan	Gulledge	Robertson	White	
				—11

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 484. Relating to Shelby County; providing for the compensation of the tax assessor and tax collector.

Also:

S. 553. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Pine Apple, in Wilcox County.

Also:

S. 446. To amend Act No. 126, H. 58, 1971 Regular Session (1971 Acts, p. 208) entitled "An Act To provide for the assessment, collection, amount and use of additional taxes as court costs in all cases docketed in the Circuit Court in the Thirteenth Judicial Circuit," so as to further provide for the distribution of such taxes.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Naramore and Brakefield (with notice and proof):

H. 999. To amend Section 2 of Act No. 115, H. 332, 1953 Regular Session (Acts of 1953, p. 164) entitled "An Act Relating to the Fourteenth Judicial Circuit; providing for the drawing and the summoning and service by mail of petit jurors in criminal, quasi-criminal and civil cases and persons drawn for jury service to compose grand juries in the Fourteenth Judicial Circuit and providing secrecy as to names and identity of persons drawn for petit or grand jury service and prescribing penalties for violation of this Act," so as to provide for jury summons by regular mail.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 999, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Naramore and Brakefield (with notice and proof):

H. 1000. Relating to Walker County; assessing an additional fee for any criminal or misdemeanor proceeding in the circuit, district or juvenile court; providing for the collecting and disbursing of such funds; and prescribing that the revenue collected pursuant to the provisions of this act shall be paid into the county treasury for the juvenile court advisory committee.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1000, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Naramore and Brakefield (with notice and proof):

H. 1001. To provide for a supplemental salary for the circuit judges and an expense allowance for the District Attorney of the Fourteenth Judicial Circuit; to be paid by the county comprising such circuit, to fix the amount and method of payment of such salary and expense allowance; and to provide that no retirement contributions shall be deducted from the District Attorney's expense allowance.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1001, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Kelley, Harvey and Rains (with notice and proof):

H. 1004. Relating to Marshall County; to provide further for the powers and duties of the county commission; to ratify and confirm certain expenditures heretofore made to the custodian of voting machines; and to provide further for the method of compensation of said custodian by the county commission.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1004, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Kelley, Harvey and Rains (with notice and proof):

H. 1005. Relating to Marshall County: fixing the fee for the issuance of a pistol permit by the sheriff and providing for the deposit of such fees in a sheriff's fund.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1005, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Campbell (with notice and proof):

H. 1010. To amend Act No. 192, H. 526, 1971 Regular Session (Acts 1971, p. 487) entitled "An Act relating to Calhoun County; providing for meetings of and clerical assistance to the board of registrars of Calhoun County," relative to the salary of the executive secretary to the board, to make the provisions of this amendatory act retroactive.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1010, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Campbell (with notice and proof):

H. 1011. To repeal Act No. 225, H. 214, approved September 11, 1975, Regular Session 1975 (Acts 1975, p. 753), entitled "An Act Relating to Calhoun County; providing for meetings of and clerical assistance to the board of registrars of Calhoun County, relative to the salary of the executive secretary to the board, to make the provisions of this amendatory act retroactive."

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1011, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Kelley, Harvey and Rains (with notice and proof):

H. 1019. Relating to Marshall County; to provide a salary increase for the tax assessor and tax collector for said county and to provide for the effective date of said increase.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1019, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Bowling (with notice and proof):

H. 821. To amend Section 1 of Act No. 1247, H. 1642, Regular Session 1971 (Acts 1971, p. 2147), relating to the issuance of pistol permits in Cullman County, so as to increase the fee for said permits.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 821, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Naramore and Brakefield (with notice and proof):

H. 997. Relating to Walker County, providing for the establishment of a consolidated and unified system for assessment and collection of taxes, under the supervision of an elected county official designated as county revenue commissioner, and repealing conflicting laws.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 997, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Starkey and Greer (with notice and proof):

H. 1007. Relating to Lauderdale County; to amend Act No. 285, H. 1050, Regular Session 1975 (Acts 1975, p. 820), relating to the expense allowance for the county coroner, so as to further provide for such allowance.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1007, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 999, 1000, 1001, 1004, 1005, 1010, 1011, 1019, 821, 997, and 1007. To the Committee on Local Legislation No. 1.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 131. INVITING MEMBERS OF THE LEGISLATURE TO THE CEREMONY TO UNVEIL THE PORTRAIT OF THE LATE SENATOR WALTER C. GIVHAN.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Owens:

H. 953. To provide for a cost-of-living increase for all state employees and officials, including certain judges under certain circumstances, and other elected officials; to provide for revision of pay rates by the State Personnel Director and by the Administrative Director of Courts; to provide for the conditions prior to the granting of the conditional cost-of-living increase hereby authorized; to otherwise provide for and identify the funds from which said cost-of-living increase shall be paid and to appropriate such additional funds as may be necessary to pay such increase, subject to the condition of the state treasury and/or the availability of monies otherwise appropriated for any purpose during the fiscal year ending September 30, 1980.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 953. To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 269. To amend further Section 3 of Act No. 96, H. 17, First Special Session 1971 (Acts 1971, p. 166), which levies and regulates a privilege tax against persons engaged in the business of leasing or renting tangible personal property, so as to further provide for exemptions from the computation of the amount of the tax levied.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Adams (C) and Whatley (with notice and proof):

H. 977. Relating to Russell County; to provide that all functions, duties and responsibilities for the construction, maintenance and repair of public roads, highways, bridges and ferries in the county shall be vested in the county engineer and shall be maintained on the basis of the county as a whole, without regard to district or beat lines, and to prescribe certain duties for the county engineer.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 977, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Dial (with notice and proof):

H. 983. Relating to Cleburne County; to provide for the taxing and collecting of certain additional court costs for the purposes of establishing a Law Library Fund and a Sheriff's Department Fund; and to authorize the expenditure of said funds.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 983, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Dial (with notice and proof):

H. 984. Relating to Clay County; abolishing the position of county license inspector; placing the powers, duties and functions of said office in the sheriff of said county; providing for the disposition of fees acrruing from the performance of the duties of license inspector and repealing conflicting laws.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 984, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Dial (with notice and proof):

H. 985. To reopen the state employees' retirement system of Alabama for prior service for certain employees of Cleburne County who did not become members of the said retirement system on the date of the effective participation of Cleburne County; to provide that as a prerequisite to such credit, members must be an active and contributing members of the employees' retirement system and in the active service of Cleburne County, the employer for whom such prior service was rendered; and providing that Cleburne County shall pay such employer costs as are necessary with respect to its employees subject to this act.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 985, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Dial (with notice and proof):

H. 986. Relating to Cleburne County; abolishing the position of county license inspector; placing the powers, duties and functions of said office in the sheriff of said county; providing for the disposition of fees accruing from the performance of the duties of license inspector and repealing conflicting laws.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 986, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Carothers, Daniels and Grimsley (with notice and proof):

H. 989. Relating to Houston County; to allow the assessment and payment of fees by owners for the paving by the county of streets within the county; to authorize the county governing body to establish and maintain a program of street paving, and to allow Houston County a lien therefore on such abutting land and improvements thereon.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 989, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Cooley and Bowling (with notice and proof):

H. 995. Relating to Cullman County; to establish a county personnel board; to provide for the appointment, and compensation of the members; and to provide for the powers, duties and authority of the personnel board in the personnel administration of the county.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 995, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Cooley and Bowling (with notice and proof):

H. 996. Relating to Cullman County; To provide for the construction, repair, and maintenance of roads and bridges; to provide for the powers and duties of the county commission and the state highway department in this respect; to provide for the transfer of certain equipment, funds and personnel; to provide for the appointment of a county engineer; to provide for the compensation of all county road employees; to provide salary supplement for members of the county commission; and to provide for approval by the electors of Cullman County as an alternate means of effectuating the provisions hereof.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 996, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Greer and Starkey (with notice and proof):

H. 1008. Relating to Lauderdale County; to further amend Section 2 of Act No. 791, H. 923, 1969 Regular Session (Acts 1969, p. 1421), which provides for the deputy sheriff's uniform allowance, so as to include other employees within the scope of said section.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1008, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 977, 983, 984, 985, 986, 989, 995, 996, and 1008. To the Committee on Local Legislation No. 1.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Starkey and Greer (with notice and proof):

H. 1009. Relating to Lauderdale County; providing further for the salary of the members of the Board of Equalization, payable pursuant to Section 40-3-8 of the Code of Alabama 1975, with the municipality, county and state sharing the costs therefor; and providing for retroactive effect to May 15, 1979.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1009, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Stewart (with notice and proof):

H. 993. This bill provides that a stamp shall be affixed to each magazine sold in Mobile County which contains pictures or photographs of uncovered female breasts or the uncovered genital organs of a man or woman, providing for a fee to be charged for each stamp and providing for the use of the revenue collected therefrom.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 993, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Albright and Gregg (with notice and proof):

H. 943. Relating to Madison County; to provide for the payment of increases in the salaries of deputies sheriff in said county; to prescribe a minimum pay scale for such deputies and to earmark a certain portion of the

alcoholic beverage tax revenues accruing to said county under the provisions of Sections 40-28-1 through 40-28-3 of the Code of Alabama 1975 for the payment of such salary increases.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 943, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Ford and Adams (H) (with notice and proof):

H. 957. Relating to Etowah County; providing for the salaries of the chairman of the county commission and the members of such commission.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 957, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Ford (with notice and proof):

H. 960. Relating to Rainbow City in Etowah County, so as to amend Act No. 430, S. 660, 1973 Regular Session, (1973 Acts, p. 624) which relates to the compensation of the chairman and board members of the Rainbow City Gas, Water and Sewer Board, so as to provide further for the compensation of such persons.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 960, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Penry and McMillan (with notice and proof):

H. 978. Relating to Baldwin County; to appropriate county money to the civil air patrol, the Daphne Search and Rescue Squad and the Hub City Search and Rescue Squad.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 978, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. McMillan and Penry (with notice and proof):

H. 979. Relating to Baldwin County; to amend Act No. 741, H. 1148, 1978 Regular Session (Acts 1978, p. 1080) entitled "An Act Relating to Baldwin County; providing for the collection of a filing fee on instruments, documents and papers filed for records in the Probate Judge's office," so as to provide a new expiration date.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 979, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Penry and McMillan (with notice and proof):

H. 981. Relating to Baldwin County; to provide an additional expense allowance for the coroner of said county.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 981, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Penry and McMillan (with notice and proof):

H. 982. Relating to Baldwin County; to authorize the county commission to establish a county personnel system, as recommended by the U. S. Civil Service Commission.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 982, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Naramore and Brakefield (with notice and proof):

H. 998. Relating to Walker County, Alabama, only; to provide for compensation for the members of the Board of Equalization for Walker County and to provide retroactive effect to June 1, 1979.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 998, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 1009, 993, 943, 957, 960, 978, 979, 981, 982, and 998. To the Committee on Local Legislation No. 1.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Manley and Pegues:

H. 959. Proposing an amendment to the Constitution of 1901, as amended, authorizing the City of Demopolis to levy and collect an additional tax on property for public educational purposes.

Also:

By Reps. Sasser and Williams (with notice and proof):

H. 962. To provide further for the election of the chairman and members of the Dale County Commission so that said chairman shall be elected at large and said commissioners shall be elected from their respective districts and providing that this Act shall become effective only if approved at a referendum election in Dale County.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 962, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Sasser and Williams (with notice and proof):

H. 963. Relating to Dale County; to provide an additional expense allowance for the chairman and members of the county commission.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 963, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Mitchell and Clark (with notice and proof):

H. 964. Relating to Pickens County; giving the County Commission certain powers in regard to maintaining roads and driveways leading to residences on private property, to churches and to cemeteries.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 964, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Ray (with notice and proof):

H. 965. To alter, rearrange and extend the boundary lines of the City of Troy, Alabama, so as to include additional land within the corporate limits.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 965, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Warren (with notice and proof):

H. 966. Relating to Conecuh County; to provide for an increase in the pay of members of the board of equalization.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 966, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Warren (with notice and proof):

H. 967. Relating to Conecuh County; to provide an additional expense allowance for the tax collector of such county for clerk hire.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 967, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Warren (with notice and proof):

H. 968. Relating to Conecuh County; to provide an additional clerk-hire allowance for the tax assessor.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 968, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Johnson (R. G.) (with notice and proof):

H. 969. To authorize the Coosa County Commission to provide protection against forest fires within the county and to assess the whole or a part of the cost thereof, within a prescribed limit, against forest lands in the county; and to prescribe the procedure for levying and collecting such assessments.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 969, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Johnson (R. G.) (with notice and proof):

H. 970. Relating to Coosa County; to amend Act No. 864, H. 1099, 1978 Regular Session (Acts 1978, p. 1290), providing for the reidentification of registered voters in said county, so as to increase the salary of the board of registrars.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 970, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Whatley and Adams (C) (with notice and proof):

H. 976. Relating to Russell County; providing for the hiring of five additional deputy sheriffs to be appointed by the sheriff and providing salaries therefor.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 976, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 959, 962, 963, 964, 965, 966, 967, 968, 969, 970, and 976. To the Committee on Local Legislation No. 1.

(The above numbered Bill, H. B. 959, was read a first time at length as required by the Constitution.)

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Turner (with notice and proof):

H. 971. Relating to Washington County; to authorize the county commission of the county to establish industrial parks within such county; to provide for the designation and regulation of such industrial parks; to designate the facilities to be furnished and maintained by the industrial parks; to exempt industrial parks from annexation by municipalities; to exempt industrial parks from being included in the police jurisdiction of municipalities; and to confirm the rights and responsibilities of county commissions, including the right of taxation.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 971, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 971. To the Committee on Local Legislation No. 1.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Grimsley, Whatley, Sasser and Ray (with notice and proof):

H. 808. Relating to Barbour County; to alter, rearrange and extend the boundary lines and corporate limits of the municipality of Eufaula in Barbour County.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 808, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Johnson (R. G.), Shoemaker, Moore and Dial (with notice and proof):

H. 944. Relating only to Talladega County; providing for the suspension of the use of beer stamps as a method of collecting certain local taxes under certain circumstances; providing for rules and regulations for the collection of such taxes; and further providing for the reimposition of such beer stamp use under certain circumstances.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 944, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Johnson (R. G.), Shoemaker, Dial and Moore (with notice and proof):

H. 945. Applying only to Talladega County; regulating and identifying certain mobile homes; providing for the use of decals for such purpose; and providing fees and penalties.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 945, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Dial, Shoemaker, Moore and Johnson (R. G.) (with notice and proof):

H. 946. Applying only to Talladega County; providing for additional fees on certain business and store licenses required for places of business within the county; and providing for penalties for failure to pay such fees.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 946, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Greer:

H. 928. Relating to the eleventh judicial circuit; providing for a county salary supplement for the circuit judges and the presiding district judge of the eleventh judicial circuit, and to provide the means and manner for the payment of same.

Also:

By Reps. Shoemaker, Moore, Dial and Johnson (R. G.) (with notice and proof):

H. 947. Relating only to Talladega County; levying an additional privilege or license tax on the sale or distribution of malt or brewed beverages within the county; and providing for the method of collection thereof.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 947, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Shoemaker, Moore, Dial and Johnson (R. G.) (with notice and proof):

H. 948. To authorize and provide for the establishment, maintenance, operation and financing of a Public Law Library in Talladega County; to authorize the governing body of said County to expend public funds under its control therefor; to provide for the taxing and collection of additional court costs in certain Courts in said County for such purpose and for the expenditure thereof; to designate the officers to accomplish said purpose and to define the powers and duties of such officers with respect thereto, and to designate personnel to operate said Library, or to assist therein, and provide for employment of additional personnel for said purpose, and the payment of salaries of such personnel; and to provide additional funds for the support of law enforcement in Talladega County.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 948, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Shoemaker, Moore, Dial and Johnson (R. G.) (with notice and proof):

H. 949. Applying only to Talladega County; providing for additional fees to be assessed against taxpayers delinquent in the payment of ad valorem taxes.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 949, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Shoemaker, Moore, Dial and Johnson (R. G.) (with notice and proof):

H. 950. Applying only to Talladega County; providing for the creation of a county license inspector and deputy county license inspector; providing for delinquency and citation fees, commissions and penalties allowable to such inspector; providing that all license inspector's fees, commissions and penalties be paid into the county general fund for the use of the county; and repealing all conflicting provisions of law.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 950, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 808, 944, 945, 946, 928, 947, 948, 949, and 950. To the Committee on Local Legislation No. 1.

FURTHER CONSIDERATION OF S. B. 468

The Senate proceeded to further consideration of the Bill, S. B. 468, as amended by the substitute.

Mr. St. John moved that further consideration of the Bill, S. B. 468, as amended, be postponed temporarily.

Mr. Keener moved that said motion be laid on the table, which motion was lost.

Yeas 16; Nays 17.

Yeas:

Messrs.:	Figures	Keener	Parsons	
Barron	Hall	Kirkland	Pearson	
Britnell	Harrison	Lemaster	Proctor	
Clemon	Holmes	Little	Teague	
deGraffenried				—16

Nays:

Messrs.:	Glass	Miller	Smith	
Bailey	Goodwin	Mitchem	Taylor	
Callahan	Gulledge	Robertson	Weeks	
Cook	Higginbotham	St. John	White	
Denton	McDonald			—17

The question then recurred on the motion of Mr. St. John to postpone temporarily, and by unanimous consent said motion was then withdrawn.

And said Bill, S. B. 468, as amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 12.

Yeas:

Messrs.:	Figures	Kirkland	Robertson	
Barron	Hall	Little	St. John	
Britnell	Harrison	Parsons	Smith	
Clemon	Holmes	Pearson	Teague	
deGraffenried	Keener	Proctor		—18

Nays:

Messrs.:	Glass	Higginbotham	Taylor	
Callahan	Goodwin	Miller	Vacca	
Cook	Gulledge	Mitchem	White	
Denton				—12

Mr. Keener moved that the Senate reconsider the vote by which the Bill, S. B. 468, as amended, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Clemon (with notice and proof):

S. 643. Relating to the city of Birmingham; permitting nonprofit corporations to operate bingo games within the city; providing for the regulation, licensing and supervision of such bingo games; providing for the distribution of all license fees and monies received under the provisions of this act; providing for a referendum of the voters of the city on the question of whether the act will become effective in the city; and providing that the act shall become effective upon the adoption of an amendment to the Constitution of Alabama empowering the legislature to authorize certain lotteries within the city of Birmingham.

Committee on Local Legislation No. 2.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 643, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Clemon (with notice and proof):

S. 644. To amend further the Title and Article III, Sections 3.01, 3.02, 3.09; Article IV, Sections 4.01, 4.02, 4.03, 4.04, 4.05, 4.06, 4.07, 4.08 and 4.09 of Act No. 452, H. 974, Regular Session of the Legislature of Alabama of 1955, approved September 9, 1955 (Acts of 1955, p. 1004), as amended, providing a

Mayor-Council form of government for cities having a population of three hundred thousand inhabitants or more according to the last or any subsequent federal census, so as to provide for the election of the members of the Council from districts, as defined herein; to provide further for the election, term and qualifications of candidates for the offices of Mayor, Vice-Mayor and Councilman and for filling vacancies in such offices.

Committee on Local Legislation No. 2.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 644, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Clemon (with notice and proof):

S. 645. Relating to Jefferson County; to reorganize the Jefferson County Commission so as to increase the size of said commission; to provide for the election of the members of the commission; to prescribe their duties, authority, qualifications, terms, and compensations; and to provide supplemental effect for this Act.

Committee on Local Legislation No. 2.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 645, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Clemon (with notice and proof):

S. 646. Proposing an amendment to the Constitution of Alabama of 1901 empowering the legislature to authorize nonprofit corporations to operate the lottery of bingo in Birmingham for charitable purposes when authorized by a majority of the electors in the city of Birmingham.

Committee on Local Legislation No. 2.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 646, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

The above Bill was read a first time at length as required by the Constitution.

By Mr. Clemon (with notice and proof):

S. 647. Relating to Jefferson County; to provide that members of the city board of education of Birmingham in Jefferson County are to be elected, the chairman in a city-wide election and the members from nine districts within said city to be set and defined by the city council of Birmingham.

Committee on Local Legislation No. 2.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 647, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 8. To amend Section 23-5-5, Code of Alabama 1975, relating to dumping of trash or litter on public roads, so as to further provide for the penalties for violations.

Also:

H. 75. To amend subsection (f) of § 12-14-70, Code of Alabama, 1975, which section relates to appeals from municipal courts to the circuit court and to fix the responsibilities of the municipal courts in the event of dismissal of appeals and to establish procedures for entering judgments of default on appeal bonds.

Also:

H. 203. To be known as the "Historical Preservation Authorities Act of 1979"; to authorize the incorporation in this state of public corporations for the purpose of undertaking and making or causing to be made engineering, architectural, technical, financial, legal and other appropriate studies and surveys with respect to restoring, renovating, preserving, improving, protecting or maintaining any public or private property within the state that has been listed in the National Register of Historic Places and developing property in the vicinity thereof, restoring, constructing, acquiring, owning, operating, leasing, selling and otherwise disposing of any such property, and cooperating with and lending financial assistance and other aid to municipalities, communities, counties, individuals, associations, partnerships, and public and private corporations in any matters and undertakings having to do with or the end purpose of which is to restore, renovate, preserve, improve, protect or maintain any such property; to provide the method of incorporating such corporations, the management thereof, and the election of directors thereof; to specify the powers and duties of such corporations; to authorize such corporations to issue bonds payable solely from the revenues of such corporations derived from the operation or leasing or sale of any such revenues and by mortgages on any such property; to provide that no bond or obligation created or assumed by such corporations shall create an obligation or debt of any county or municipality or of the state; to authorize the refunding of any such bonds; to provide that all such bonds shall be negotiable instruments; to authorize such corporations to enter into contracts to secure payment of such bonds; to authorize such corporations to create a statutory mortgage lien on property of such corporation in favor of the holders of such bonds; to provide for the use of proceeds from the sale of bonds of such corporations; to authorize any county, municipality, or other political subdivision, public corporation, agency or instrumentality of this state to lend or donate money to or perform services for the benefit of such corporations, or to donate, sell, convey, transfer, lease or grant to such corporations, without the necessity of authorization at any election of qualified voters, any property of any kind, any interest therein and any franchise, and to do any and all things, whether or not specifically authorized in this act and not otherwise prohibited by law, that are necessary or convenient in connection with aiding and cooperating with such corporations in furtherance of their corporate purposes; to exempt from taxation such public corporations and their property and income, all bonds issued by such corporations, the income and interest

from such bonds, conveyances by and to such corporations, and leases, mortgages and deeds of trust by and to such corporations; to provide for the filing of the certificates of incorporation or the recording of any document by such corporations without the payment of any fees, taxes or costs; to provide for reports by such corporations to the governor; to declare that this act shall be cumulative and not restrictive of powers otherwise provided by law; to provide for the severability of the provisions hereof; to provide the effective date hereof; to exempt any corporation organized hereunder from Sections 41-16-50 through 41-16-63 of the CODE OF ALABAMA 1975; and to provide for the dissolution of such corporations and the disposition of their property upon dissolution, and to specifically repeal Act No. 822, H. 557, 1978 Regular Session (Acts 1978, p. 1213) as codified as Sections 41-10-120 through 41-10-134, Code of Alabama 1975, and other conflicting laws.

Also:

H. 282. To make legislative findings regarding the shortage in the state of facilities for the housing, care and treatment of persons requiring special care, including orphans and persons who are elderly, sick, physically disabled or handicapped, or mentally ill or retarded, as well as the shortage of funds needed to finance such facilities; to define the particular terms used in the substantive provisions of this Act; to provide for and authorize the incorporation by any municipality in the state of one or more special care facilities financing authorities, as public corporations and instrumentalities of the state, upon the filing of an application with, and the making of certain determinations by, the governing body of such municipality; to provide for and authorize the certificate of incorporation of any such authority to be amended at any time and from time to time upon the filing of an application with, and the making of certain determinations by, the governing body of such municipality; to provide for a board of directors of any such authority and the election of the members thereof; to provide for the officers of any such authority and the election thereof; to provide for the general powers to be exercised by any such authority and the conditions under which such powers may be exercised; to empower any such authority to acquire facilities for lease or sale to certain users; to empower any such authority to make loans to certain users; to empower any such authority to acquire authorized purpose obligations created in connection with facilities operated by certain users; to empower any such authority to borrow money for its various corporate purposes and in evidence thereof to issue its notes and bonds; to prescribe certain terms and conditions upon which any such authority may sell and issue its notes and bonds; to authorize any such authority to pledge its revenues and mortgage or assign its assets as security for its notes and bonds; to provide a method for giving constructive notice of any mortgage, security interest, assignment or pledge created or made by any such authority; to provide that the notes and bonds and all other obligations of any such authority shall not constitute or create a debt of the state or any county, municipality or other political subdivision or agency thereof; to provide that the notes and bonds of any such authority shall constitute negotiable instruments; to provide for the creation of special reserve funds and such other funds as may be necessary or desirable for the corporate purposes of any such authority; to provide for the refunding, by the issuance and sale of refunding bonds, of any notes or bonds theretofore issued or obligations theretofore assumed by any such authority; to provide that the notes and bonds of any such authority may be used for the investment of trust and other fiduciary funds; to exempt from all taxation in the state (i) the property, corporate activities, revenues and income of each such authority,

(ii) certain transactions or actions to which each such authority is a party or in which it may be involved and (iii) the notes and bonds of each such authority and the income from such notes and bonds; to exempt any such authority from all laws of the state governing usury or prescribing or limiting interest rates, which exemption shall apply to any payment by any user pursuant to any lease, sale contract, loan agreement or authorized purpose obligation; to exempt any such authority from all laws of the state requiring competitive bids for contracts to be entered into by municipalities or public corporations; to prohibit the sectarian use of facilities financed or assisted by any such authority; to prescribe conditions for any management contract providing for the management of any facility by a party that is not a governmental agency or a not-for-profit organization; to provide for the liberal construction of the provisions of this Act; to provide that any county, municipality or other political subdivision, agency or instrumentality of the state may aid and cooperate with any such authority, lend or donate money or perform services for the benefit thereof, and, without the necessity of an election, donate, sell, convey, transfer, lease or grant thereto any property of any kind; to provide that any such authority shall be a not-for-profit corporation; to provide that the publication of a notice of the adoption of a resolution authorizing the issuance of bonds or notes by any such authority will establish a limited period after such publication within which must be commenced any action or proceeding questioning the validity of such bonds or notes or any instrument securing the same; to provide for the dissolution of any such authority and for the vesting of title to its properties; and to provide that the provisions of this Act shall be severable.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

FURTHER CONSIDERATION OF S. R. 138

Mr. Glass requested and received unanimous consent to offer the following amendment to the Resolution, S. R. 138, to-wit:

AMENDMENT TO S. R. 138

Amend Senate Resolution No. 138 by inserting S. B. 596 on page 116 of the calendar, on page 2 after S. B. 151.

Which was adopted.

FURTHER CONSIDERATION OF H. B. 182

The Senate proceeded to further consideration of the Bill, H. B. 182.

Mr. Kirkland offered the following amendment to the Bill, H. B. 182, to-wit:

AMENDMENT TO H. B. 182

Amend House Bill NO. 182 Page 1, by striking out lines 24, 25, 26, 27, 28 and 29 of Section 1 and inserting in lieu thereof the following

"A father or a mother, provided they are lawfully living together as husband and wife, shall have an equal right to commence an action for an injury to their minor child, a member of the family; provided, however, that in the event such mother and father are not lawfully living together as husband and wife, or in the event legal custody of such minor child has been lawfully vested in either of the parties or some third party, then and in either event the party having legal custody of such minor child shall have the exclusive right to commence such action."

Which was adopted.

Yeas 22; Nays 0.

Yeas:

Messrs.:	Denton	Kirkland	St. John	
Barron	Glass	Little	Smith	
Britnell	Gulledge	Mitchem	Teague	
Callahan	Hall	Pearson	Vacca	
Cook	Higginbotham	Proctor	White	
deGraffenried	Holmes	Robertson		—22

Nays: —0

And said Bill, H. B. 182, as thus amended, was read a third time at length and passed.

Yeas 23; Nays 0.

Yeas:

Messrs.:	Higginbotham	Miller	Smith	
Barron	Holmes	Parsons	Taylor	
Figures	Kirkland	Pearson	Teague	
Glass	Lemaster	Proctor	Vacca	
Goodwin	Little	Robertson	Weeks	
Hall	McDonald	St. John	White	
				—23

Nays: —0

SPECIAL ORDER
BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first item of which was the Bill:

H. 386. To make annual appropriations for the support, maintenance, and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1980.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, H. B. 386, to-wit:

COMMITTEE SUBSTITUTE FOR H. B. 386

A BILL
TO BE ENTITLED
AN ACT

To make annual appropriations for the support, maintenance, and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1980.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated, for the support of public education in Alabama for the fiscal year ending September 30, 1980 and for the public debt, to be paid out of funds specified in subsection (a) of Section 2 of this Act, the amounts specified in Sections 3 to 9, inclusive. For the purpose specified in subsection (b) of Section 2 of this Act, amounts are shown by programmatic area and the total for all programs are shown so as to include estimated sources of funds other than the appropriation made in subsection (a) of Section 2 of this Act. For the purpose of this Act, "ASETF" shall mean Alabama Special Educational Trust Fund.

Section 2. (a) The appropriations provided for in this Act shall be paid from funds in the State Treasury to the credit of the Alabama Special Educational Trust Fund and Alabama Special Educational Trust Fund Surplus Account and are hereby made for the support of public education in Alabama for the fiscal year ending September 30, 1980 and except as may be otherwise expressly provided, the appropriations herein made shall be subject to the provisions, terms, conditions and limitations of the Budget and Financial Control Act (Article 4, Chapter 4, Title 41 of the Code of Alabama 1975), the provisions of Act No. 494 adopted at the 1976 Regular Session, and shall be in the amounts hereinafter specified.

(b) Amounts shown herein under the columns "Federal and Other Funds" and "Total" are set forth for the purpose of indicating amounts estimated to be available by programmatic area from sources other than from appropriations made in subsection (a) of this Section 2, in order, upon consideration of such other funds so estimated to be available, to promote the accountability for and efficient use of the funds available to and hereby appropriated by the legislature, it being the intention hereof to make appropriations only from the funds referred to in subsection (a) of this Section 2.

Provided, that if, at the end of any fiscal year, a pay period which has been or may be established by the Legislature providing for the payment of salaries of State employees overlaps from one fiscal year into the next fiscal year, payment for the total pay period shall be made from the new fiscal year's appropriation.

Section 3.

A. STATE AGENCIES		
1. Alabama Academy of Honor		
(a) Historical Resources Management Program		1,000
SOURCE OF FUNDS:		
(1) ASETF	1,000	
Total Alabama Academy of Honor	1,000	1,000
2. Council on the Arts and Humanities		
(a) Fine Arts Program		914,098
(b) Birmingham Symphony		200,000
(c) Alabama Shakespeare Festival		3,500

SOURCE OF FUNDS:			
(1) ASETF		503,500	
(2) Federal and Local Funds			614,098
Total Council on the Arts and Humanities	503,500	614,098	1,117,598
3. Debt Service			871,000
(a) For the payment of principal and interest due on bonds issued by the University of Alabama Research-Institute pursuant to Constitutional Amendment No. CLVII 211,256			
(b) Interest on Endowments:			
For interest on University of Montevallo (Alabama College) Endowment, Estimated ... 45,000			
For interest on Auburn University Endowment 20,280			
For interest on University of Alabama Endowment 61,000			
For interest on Grove Hill Endowment 600			
For interest on Public School Fund Endowment:			
Interest on 16th Section lands, Estimated 410,000			
Interest on School Indemnity lands, Estimated 90,000			
Interest on Valueless 16th Section lands 5,825			
Interest on Surplus plus Revenue 26,764			
Interest on James Wallace Fund 275			
SOURCE OF FUNDS:			
(1) ASETF	871,000		
Total Debt Service	871,000		871,000
4. Board of Dental Scholarship Awards			
(a) Support of Other Educational Activities Program			228,000
SOURCE OF FUNDS:			
(1) ASETF	228,000		

Total Board of Dental Scholarship Awards	228,000		228,000
(To be expended under the provisions of Act No. 662, 1977 Regular Session.)			
5. Alabama Development Office			
(a) Promotional Development Program			70,000
SOURCE OF FUNDS:			
(1) ASETF	70,000		
Total Alabama Development Office	70,000		70,000
6. Department of Education			
(a) Financial Assistance Program			233,989,301
The proposed spending plan for the above is as follows:			
Vocational Education Program 48,600,000			
SOURCE OF FUNDS:			
(1) ASETF	48,600,000		
(2) Federal and Local Funds		185,389,301	
Total Financial Assistance Program	48,600,000	185,389,301	233,989,301
The appropriation hereinabove for Vocational Education shall be disbursed or obligated in accordance with rules and regulations approved by the State Board of Education upon recommendation of the State Superintendent.			
In the event proration should become necessary due to the loss of Federal Vocational Funds, each local board shall be reduced by its prorata share under the adopted State Board of Education formula.			
(b) Instructional Technical Assistance Program			5,512,871
The proposed spending plan for the above is as follows:			
Civil Defense 24,200			
Driver Education, School Bus Driver Training & Vehicle Safety Inspection 121,437			

Drug Education 100,000			
Operation & Maintenance of Department 610,166			
Right-to-Read 81,600			
Career Education 105,600			
Kindergarten Adm. 85,000			
Minimum Program-Trainable Retarded Children 525,000			
Vocational Education ... 700,000			
SOURCE OF FUNDS:			
(1) ASETF	2,353,003		
(2) Federal & Local Funds		3,159,868	
Total Instructional Technical Assistance Program	2,353,003	3,159,868	5,512,871
(The appropriation for Minimum Program-Trainable Retarded Children is the same appropriation as set out in Act No. 67, approved June 27, 1963, and shall be expended in accordance with that Act.)			
(c) Local Agency Support Program			11,274,153
The proposed spending plan for the above is as follows:			
Coordination of In-School Television 122,000			
Driver Education, School Bus Driver Training and Vehicle Safety Inspection 235,000			
Operation & Maintenance of Department 286,134			
Testing 709,000			
Free Textbooks 8,500,000			
Plans & Surveys 86,500			
Facilities Survey 25,000			
Publishing Legal & Policy Manuals 3,000			
SOURCE OF FUNDS:			
(1) ASETF	9,966,634		
(2) Federal and Local Funds		1,310,519	
Total Local Agency Support Program	9,966,634	1,310,519	11,277,153
(d) Regulation Program			1,330,044

The proposed spending plan for the above is as follows:			
Administration of Private School Act 49,500			
Operation & Maintenance of Department 330,000			
SOURCE OF FUNDS:			
(1) ASETF	379,500		
(2) Federal and Local Funds		950,544	
Total Regulation Program	379,500	950,544	1,330,044
(e) Administrative Services Program			10,014,285
The proposed spending plan for the above is as follows:			
Compact for Education ... 29,000			
Operation & Maintenance of Department 1,673,700			
Telephone Network Fund 1,200,000			
SOURCE OF FUNDS:			
(1) ASETF	2,902,700		
(2) Federal and Local Funds		7,111,585	
Total Administrative Services Program	2,902,700	7,111,585	10,014,285
The above appropriation shall include a transfer to the State Personnel Department of $71,421.			
(f) Adult Basic Education Program			2,928,480
The proposed spending plan for the above is as follows:			
Adult Basic Education 1,000,000			
Community Education ... 96,000			
SOURCE OF FUNDS:			
(1) ASETF	1,096,000		
(2) Federal and Local Funds		1,832,480	
Total Adult Basic Education Program	1,096,000	1,832,480	2,928,480
(g) Rehabilitation Services Program			33,751,138
(A) Rehabilitation Services Program	6,200,000		

(B) Handicapped Recreation Program (to provide recreation at a year round accredited handicapped recreation facility)	200,000		
SOURCE OF FUNDS:			
(1) ASETF	6,400,000		
(2) Federal and Local Funds		27,351,138	
Total Rehabilitation Services Program	6,400,000	27,351,138	33,751,138
(h) Hemophilia Program			300,000
SOURCE OF FUNDS:			
(1) ASETF	300,000		
Total Hemophilia Program	300,000		300,000
(As provided for under Act 1181, 1975 Regular Session.)			
(i) Homebound Program			2,600,000
SOURCE OF FUNDS:			
(1) ASETF	2,600,000		
Total Homebound Program	2,600,000		2,600,000
(The above appropriation is to be expended in accordance with Act No. 109, Third Special, 1975, approved May 1, 1975.)			
(j) Disability Determination for Social Security Program			7,616,001
SOURCE OF FUNDS:			
(1) Federal and Local Funds		7,616,001	
Total Disability Determination for Social Security Program		7,616,001	7,616,001
(k) Crippled Children Services Program			7,339,600
SOURCE OF FUNDS:			
(1) ASETF	4,304,000		
(2) Federal and Local Funds		3,035,600	
Total Crippled Children Services Program	4,304,000	3,035,600	7,339,600
(l) Skill Enchancement and Employment Opportunities			7,179,110
The proposed spending plan for the above is as follows:			
Comprehensive Employment & Training 250,000			

SOURCE OF FUNDS:			
(1) ASETF	250,000		
(2) Federal and Local Funds		6,929,110	
Total Skill Enhancement and Employment Opportunities Program	250,000	6,929,110	7,179,110
(m) Planning and Coordination Services Program			287,000
The proposed spending plan for the above is as follows:			
Southern Regional Educational Board 287,000			
SOURCE OF FUNDS:			
(1) ASETF	287,000		
Total Planning & Coordination Services Program	287,000		287,000
(n) Support of Other Educational Activities			10,000
The proposed spending plan for the above is as follows:			
Education of Dependents of Blind Parents 10,000			
SOURCE OF FUNDS:			
(1) ASETF	10,000		
Total Support of Other Educational Activities	10,000		10,000
For reimbursement of every State Institution of Higher Learning, College, University, or Trade School or Junior College, in which benefits are given to dependents of blind parents under the provisions of Act No. 281, 1966 Special Session.			
(o) Emergency Medical Services Education Program			1,350,000
To be distributed by the Department of Education as follows:			
(1) West Alabama Emergency Medical Services, Inc.	225,000		
(2) Birmingham Regional Emergency Medical Services System	225,000		
(3) North Alabama Emergency Medical Services, Inc.	225,000		

(4) Southeast Alabama Emergency Medical Services System, Inc.	225,000		
(5) East Alabama Emergency Medical Services, Inc.	225,000		
(6) Southwest Alabama Emergency Medical Services Council, Inc.	225,000		
The amounts herein appropriated shall be used for the operation and maintenance of the various medical services programs named and for the purchase of instructional supplies and new instructional equipment for such programs.			
SOURCE OF FUNDS:			
(1) ASETF	1,350,000		
Total Emergency Medical Services Education Program	1,350,000		1,350,000
TOTAL DEPARTMENT OF EDUCATION			
SOURCE OF FUNDS:			
(1) ASETF	80,798,837		
(2) Federal and Local Funds		244,686,146	
Grand Total Department of Education	80,798,837	244,686,146	325,484,983
(7) Examiners of Public Accounts			
(a) Legislative Support—Audit Services Program			1,000,000
For purposes of auditing all phases of public education.			
SOURCE OF FUNDS:			
(1) ASETF	1,000,000		
Total Examiners of Public Accounts	1,000,000		1,000,000
8. Alabama School of Fine Arts			
(a) Fine Arts Program			880,000
SOURCE OF FUNDS:			
(1) ASETF	800,000		
(2) Federal and Local Funds		80,000	
Total Alabama School of Fine Arts	80,000	80,000	880,000

9. Alabama Firefighters' Personnel Standards and Education Commission			
(a) Professional and Occupational Licensing & Regulation Program			135,000
SOURCE OF FUNDS:			
(1) ASETF	135,000		
Total Alabama Firefighters' Personnel Standards and Education Commission	135,000		135,000
10. Health Department			
(a) Health Support Services Program			500,000
For immunization of preschool children and students and for public school food sanitation.			
SOURCE OF FUNDS:			
(1) ASETF	500,000		
Total Health Department	500,000		500,000
11. Commission on Higher Education			
(a) Planning & Coordination Services Program			625,076
(b) Alabama Student Assistance Program			2,306,367
(c) Alabama Student Grant Program			3,000,000
SOURCE OF FUNDS:			
(1) ASETF	4,745,000		
(2) Federal and Local Funds		1,186,443	
Total Commission on Higher Education	4,745,000	1,186,443	5,931,443
The Alabama Student Grant funds are to be expended in accordance with Act No. 90, 1978 Second Special Session.			
12. Alabama Historical Commission			
(a) Historical Resources Management Program			135,000
SOURCE OF FUNDS:			
(1) ASETF	135,000		

Total Alabama Historical Commission	135,000		135,000
The above appropriation shall be expended as follows:			
Fort Toulouse 85,000			
Historic Blakely Foundation 50,000			
13. Alabama Industrial Development Training Institute			
(a) Industrial Training Program			1,500,000
SOURCE OF FUNDS:			
(1) ASETF	1,500,000		
Total Alabama Industrial Development Training Institute	1,500,000		1,500,000
14. Junior College School System			
(a) Academic Instruction and Institutional Support Program			63,098,188
SOURCE OF FUNDS:			
(1) ASETF	39,550,000		
(2) Federal and Local Funds		7,415,844	
(3) State Funds		315,404	
(4) Other Funds		10,599,380	
(5) Auxiliary Enterprises		5,217,560	
Total Junior College School System	39,550,000	23,548,188	63,098,188

This appropriation to the Alabama State Board of Education for the Junior College Equalization Account is to be used for operation and maintenance of the Junior Colleges listed below and is to be distributed on the following formula:

$200,000.00 to each Junior College. The remainder of the appropriation is to be allotted to each Junior College in accordance with its percentage of the total credit hours attempted for the four quarters of the school year 1978-79 by all the Junior Colleges listed in this appropriation. Junior colleges with credit producing programs in Alabama Correctional Institutions shall be reimbursed for tuition that is waived. Continuing education unit hours shall be excluded from the computations herein required. (The above appropriation is to be distributed to the following Junior Colleges: (1) Alexander City State Junior College; (2) S. D. Bishop State Junior College; (3) Brewer State Junior College; (4) John C. Calhoun State Community College; (5) Chattahoochee Valley Community College (Phenix City); (6) Jefferson Davis State Junior College; (7) Enterprise State Junior College; (8) James H. Faulkner State Junior College; (9) Gadsden State Junior College; (10) Patrick Henry State Junior College; (11) Jefferson State Junior College; (12) Theodore A. Lawson State Community College; (13) Northeast Alabama State Junior College; (14) Northwest Alabama State Junior College; (15)

Snead State Junior College; (16) Southern Union State Junior College; (17) George Corley Wallace State Community College (Selma); (18) George C. Wallace State Community College (Dothan); (19) Lurleen B. Wallace State Junior College; (20) George C. Wallace Community College at Hanceville; (21) Shelton State Community College.) Of the above appropriations contained herein in Section 3, paragraph A-14 not more than the sum of $300,000 may be used by the State Board of Education for administration of the state junior college program.

15. Alabama Law Institute			
(a) Support of Other Educational Activities Program			205,000
SOURCE OF FUNDS:			
(1) ASETF	205,000		
Total Alabama Law Institute	205,000		205,000
16. Legislature			
(a) Legislative Operations & Support Programs			1,250,000
SOURCE OF FUNDS:			
(1) ASETF	1,250,000		
Total Legislature	1,250,000		1,250,000
17. Public Library Service			
(a) Public Library Service Program			3,783,355
SOURCE OF FUNDS:			
(1) ASETF	2,750,000		
(2) Federal and Local Funds		1,033,355	
Total Public Library Services ...	2,750,000	1,033,355	3,783,355
18. Marine Environmental Sciences Consortium			
(a) Support of other Educational Activities Program			691,922
SOURCE OF FUNDS:			
(1) ASETF	512,000		
(2) Federal and Local Funds		79,922	
(3) University of Alabama		100,000	
Total Marine Environmental Sciences Consortium	512,000	179,922	691,922
19. Medical Scholarship Board			
(a) Support of other Educational Activities Program			711,000
SOURCE OF FUNDS:			
(1) ASETF	711,000		

Total Medical Scholarship Board	711,000		711,000
(To be expended under the provisions of Act No. 663, 1977 Regular Session.)			
20. Minimum Program			
(a) Financial Assistance Program			406,083,975
SOURCE OF FUNDS:			
(1) ASETF	386,083,975		
(2) Public School Fund		20,000,000	
Total Minimum Program Fund ..	386,083,975	20,000,000	406,083,975
The above appropriation shall be paid in accordance with Title 16, Article 3 of Code of Alabama 1975 and all other legislation pertaining thereto.			

The appropriation hereinabove set out for the fiscal year 1979-80 is based on 24,716 teacher units.

It is provided in the event there are more than 24,716 earned teacher units for the fiscal year 1979-80, then such amounts necessary to pay for these excess teacher units is hereby appropriated. It is further provided that in the event that there be less earned teacher units than those set out above then the amount that would have been necessary to pay for these earned teacher units shall not be allotted or paid.

In allocating the funds in sub-section (a) the State Board of Education shall allot as follows:

The amount necessary for the payment of Board of Adjustment awards in accordance with the Minimum Program statutes and regulations.

For "Other Current Expenses" a sum not to exceed $2,315.00 for each earned teacher unit.

For Principal Supplement the sum shall not exceed $100.00 for each earned teacher unit.

For Capital Improvements the sum shall not exceed $64.87 for each earned teacher unit.

The above appropriation contained in sub-section (a) shall include an allotment for transportation in accordance with the formula adopted by the State Board of Education for the distribution of the funds to be used for transportation purposes but shall not exceed the sum of $40,861,694.00.

20A. BOARD OF EDUCATION		
(a) Financial Assistance Program		177,230,986
SOURCE OF FUNDS:		
(1) ASETF	177,230,986	
Total Board of Education	177,230,986	177,230,986

(aa) To be distributed by State Board of Education for:

Hospital Medical Insurance Assistance for Professional Staff, Support Staff, and Adult School Bus Drivers 15,427,961

Of the appropriation hereinabove made for Hospital Medical Insurance there is hereby appropriated the sum of two hundred forty-seven dollars and twenty cents ($247.20) per annum per teacher, administrative, supervisory unit, full time support employee, and adult school bus drivers.

(bb) Teachers Sick Leave 3,890,000

Of the appropriation hereinabove made for Teachers Sick Leave the rate of not more than $17.00 per day is hereby appropriated.

(cc) Support Personnel Sick Leave 800,000

The appropriation hereinabove shall provide sick leave in accordance with Act No. 208, 1977 Regular Session.

(dd) Teachers Personal Leave 1,300,000

The appropriation hereinabove made to Teachers Personal Leave provides for two (2) days personal leave at $17.00 per teacher unit for each teacher employed (except ESEA Title I, Title III and Title IV teachers and ESAA teachers).

(ee) Funds to Replace Fees 10,500,000

Of the appropriations hereinabove made for Funds to Replace Fees there is hereby appropriated two hundred and fifty dollars ($250) per teacher unit for grades K-6 and three hundred dollars ($300) per teacher unit for grades 7-12 for all teachers employed (except ESEA Title I, Title III and Title IV teachers and ESAA teachers).

(ff) Maintenance 6,000,000

(gg) Continuation of funds previously granted for Special Education 25,500,000

Of the appropriation hereinabove made $1,200,000 shall be allocated to local boards of education and administered through the State Department of Education for meeting matching requirements of Federal Legislation (P. L. 94-482) for vocational education for the handicapped. Of the $25,500,000 for Special Education, $250,000 shall be allocated to the Tuscaloosa Regional Handicapped School, $250,000 shall be allocated to the Southwest Alabama School for Deaf and Blind and $250,000 for the Vivian B. Adams School. An amount approved by the State Board of Education may be distributed by the State Board of Education to the Alabama Institute for Deaf and Blind to implement the purposes of Act 106 and P. L. 94-142.

(hh) Salary Increases for Lunchroom Workers Formerly Granted 7,747,000

(ii) Kindergarten teacher units 13,164,649

The above appropriation is for 880 teacher units and includes salaries, other current expenses, anc capital outlay at the same rate as provided in the Minimum Program.

(jj) Continuation of Teacher units to reduce pupil-teacher ratio in grades 1-6 9,723,888

The above appropriation is for 650 teacher units and includes salaries, other current expenses, and capital outlay at the same rate as provided in the Minimum Program.

(kk) Supportive teacher units 26,073,336

The above appropriation provides for one extra unit or fraction thereof for each aggregate of fifteen units or fraction thereof earned on regular units in the Minimum Program, Kindergarten units in (ii) and additional teacher units in (jj).

The above appropriation is for 1,743 teacher units and includes salaries, other current expenses, and capital outlay at the same rate as provided in the Minimum Program.			
(11) Driver Education teacher units 7,479,914			
The above appropriation is for 500 teacher units and includes salaries, other current expenses, and capital outlay at the same rate as provided in the Minimum Program.			
(mm) Special Education 49,624,238			
The above appropriation is for 3,250 teacher units and includes salaries, other current expenses, capital outlay, and transportation at the same rate as provided in the Minimum Program.			
21. Alabama Board of Nursing:			
(a) Professional and Occupational Licensing and Regulation Program			537,191
SOURCE OF FUNDS:			
(1) ASETF as provided in Act No. 68, 1977 Special Session. Scholarships for Graduate Nurses ..	51,300		
(2) Alabama Board of Nursing Trust Fund as provided in Title 34, Chapter 21, Code of Alabama 1975, as amended		485,891	
Total Alabama Board of Nursing	51,300	485,891	537,191
22. Alabama Occupational Information System:			
(a) Employment and Social Opportunities Program			317,970
The above appropriation shall include a transfer to the Telephone Network Fund of $5,598.			
SOURCE OF FUNDS:			
(1) Federal and Local Funds		317,970	
Total Alabama Occupational Information System		317,970	317,970
23. Alabama Peace Officers Standards and Training Commission:			

(a) Professional and Occupational Licensing and Regulation Program			72,280
(b) Certified Law Enforcement Academy Programs			221,500
Jacksonville State University 55,375			
University of Alabama 55,375			
James H. Faulkner Jr. Col. 55,375			
Troy State Univ. Montgomery 55,375			
SOURCE OF FUNDS:			
(1) ASETF	293,500		
(2) Federal and Local Funds		280	
Total Alabama Peace Officers Standard Training Commission	293,500	280	293,780
24. Commission on Physical Fitness:			
(a) Advisory Services Program			80,000
SOURCE OF FUNDS:			
(1) ASETF	80,000		
Total Commission on Physical Fitness	80,000		80,000
25. Post-Secondary Vocational-Technical Education System:			
(a) Instructional and Institutional Support Program			42,659,380
SOURCE OF FUNDS:			
(1) ASETF	32,451,521		
(2) Federal and Local Funds		1,154,990	
(3) Other Funds		5,843,902	
(4) Auxiliary Enterprises		3,208,967	
Total Post-Secondary Vocational-Technical Education System	32,451,521	10,207,859	42,659,380
For the operations and maintenance of the Vocational Technical Schools listed below, to be distributed in accordance with a formula adopted by the State Board of Education.			
(The above appropriation is to be distributed to the following Vocational-Technical Schools:			

(1) Atmore State Technical Institute; (2) Alabama Aviation and Technical College; (3) Alabama Technical College; (4) Harry M. Ayers State Technical College; (5) Bessemer State Technical College; (6) John C. Calhoun State Community College-Technical Division (7) Carver State Technical College; (8) J. F. Drake State Technical College; (9) Gadsden State Technical Institute; (10) Richmond P. Hobson State Technical College; (11) J. F. Ingram State Technical Institute; (12) Theodore A. Lawson State Community College-Technical Division; (13) Douglas McArthur State Technical College; (14) Muscle Shoals State Technical College; (15) Northwest State Technical College; (16) N. F. Nunnelley State Technical College; (17) Opelika State Technical College; (18) John M. Patterson State Technical College; (19) Ed E. Reid State Technical College; (20) Shelton State Technical College; (21) Southwest State Technical College; (22) Chauncey Sparks State Technical College; (23) Council Trenholm State Technical College; (24) C. A. Fredd State Technical College; (25) Walker State Technical College; (26) George Corley Wallace State Community College-Technical Division (Selma); (27) George C. Wallace State Community College-Technical Division (Dothan); (28) George C. Wallace State Community College-Technical Division (Hanceville).

Of the above appropriations contained herein in Section 3 (a) (24) not more than the sum of $300,000 may be used by the State Board of Education for administration of the Vocational-Technical School Program.

26. Social Security

(a) For State's share of Social Security, Estimated 55,000,000

SOURCE OF FUNDS:			
(1) ASETF	55,000,000		
Total Social Security	55,000,000		55,000,000
27. Sports Hall of Fame			
(a) Historical Resources Management Program			46,000
SOURCE OF FUNDS:			
(1) ASETF	30,000		
(2) Sports Hall of Fame Operating Fund		16,000	
Total Sports Hall of Fame	30,000	16,000	46,000
28. Alabama Education Study Commission			
(a) Advisory Services Program ..			189,000
SOURCE OF FUNDS:			
(1) ASETF	189,000		
Total Alabama Education Study Commission	189,000		189,000
(To be used for educational studies in accordance with Act No. 15, 1969 Special Session.)			
29. Teachers' Retirement System of Alabama			
(a) Retirement Systems Program, Estimated			157,761,924
SOURCE OF FUNDS:			
(1) ASETF—Teachers' Retirement System	148,800,900		
(2) ASETF—Teachers' Special Pension Fund	8,961,024		
Total Retirement Systems Program (State's Share)	157,761,924		157,761,924
The above appropriation shall be expended in accordance with the statutes and regulations now or hereafter existing relating to the expenditure of such Teachers' Retirement Fund.			
30. State Tenure Commission			
(a) Regulation Program			9,000
SOURCE OF FUNDS:			
(1) ASETF	9,000		

Total State Tenure Commission .	9,000		9,000
31. Educational Television Commission			
(a) Educational TV Services Program			2,460,103
(b) Public Radio Services Program			160,000
SOURCE OF FUNDS:			
(1) ASETF	2,000,000		
(2) Federal and Local Funds		620,103	
Total Educational TV Commission	2,000,000	620,103	2,620,103
32. Veterans Education Benefits			
(a) Administration of Veterans Affairs Program			1,215,000
SOURCE OF FUNDS:			
(1) ASETF	1,215,000		
Total Veterans Educational Benefits	1,215,000		1,215,000
The above appropriation includes pro-rata administration costs of the Department of Veteran Affairs and for the reimbursement to every State Institution of Higher Learning, College, University, or Junior College, in which benefits are given to veterans, their wives, widows, or children under the provision of Act No. 767, 1965 Regular Session.			
33. Youth Services			
(a) Youth Services Program			7,505,631
(The above appropriation shall include a transfer to the Telephone Network Fund of $33,090.)			
SOURCE OF FUNDS:			
(1) ASETF	6,500,000		
(2) Federal and Local Funds		1,005,631	
Total Youth Services	6,500,000	1,005,631	7,505,631
(To be expended in accordance with Act No. 816, 1973 Regular Session.)			
34. State Employees Insurance ..			150,000

SOURCE OF FUNDS:		
(1) ASETF	150,000	
Total State Employees Insurance	150,000	150,000
35. State's Share of Employees Unemployment Compensation .		1,500,000
SOURCE OF FUNDS:		
(1) ASETF	1,500,000	
Total State's Share of Employees Unemployment Compensation .	1,500,000	1,500,000
Section 4.		
B. NON-STATE EDUCATIONAL AGENCIES:		
1. American Legion Auxiliary Scholarship Fund		
(a) Support of other Educational Activities Program		10,000
SOURCE OF FUNDS:		
(1) ASETF	10,000	
Total American Legion Auxiliary Scholarship Fund	10,000	10,000
(To be expended under the provisions of Act No. 676, 1978 Regular Session.)		
2. Birmingham Training Center for Brain Injured Children		
(a) Non-Institutional Treatment and Care Program		30,000
SOURCE OF FUNDS:		
(1) ASETF	30,000	
Total Birmingham Training Center for Brain Injured Children .	30,000	30,000
3. Opportunities Industrialization Centers		
(a) Skills Enhancement and Employment Opportunities Program		175,000
SOURCE OF FUNDS:		
(1) ASETF	175,000	
Total Opportunities Industrialization Centers	175,000	175,000
4. Sylacauga Nurses Training School		

(a) Support of Other Educational Activities Program			58,000
SOURCE OF FUNDS:			
(1) ASETF	58,000		
Total Sylacauga Nurses Training School	58,000		58,000
Section 5.			
COLLEGES, UNIVERSITIES AND SCHOOLS			
I. Board of Trustees of University of Alabama			
A. The University			
1. Operations & Maintenance:			
(a) Instruction			24,017,025
(b) Libraries			2,129,722
(c) Academic Support (excl. Libr.)			4,854,311
(d) Student Services			1,559,577
(e) Institutional Support			6,086,358
(f) Operation & Maintenance of Physical Plant			6,296,817
(g) Scholarships and Fellowships			726,381
(h) Debt Service			323,240
(i) Transfers (Net)			974,343
SOURCE OF FUNDS:			
(1) ASETF	31,723,728		
(2) Other Sources		15,244,046	
Total Operations & Maintenance	31,723,728	15,244,046	46,967,774
2. Research, Extension and Public Service:			
(a) Instruction			409,195
(b) Research			231,896
(c) Public Service			2,196,877
(d) Debt Service			57,032
SOURCE OF FUNDS:			
(1) ASETF	1,850,000		
(2) Other Sources		1,045,000	
Total Research, Extension and Public Service	1,850,000	1,045,000	2,895,000

3. Emergency Medical Services:			
(a) Public Service			125,000
SOURCE OF FUNDS:			
(1) ASETF	125,000		
Total Emergency Medical Services	125,000		125,000
4. Center for Emotionally Disturbed Children:			
(a) Academic Support (excl. Libr.)			406,462
(b) Operations & Maintenance of Physical Plant			66,000
SOURCE OF FUNDS:			
(1) ASETF	472,462		
Total Center for Emotionally Disturbed Children	472,462		472,462
5. Nursing Scholarships:			
(a) Scholarships and Fellowships			18,000
SOURCE OF FUNDS:			
(1) ASETF	18,000		
Total Nursing Scholarships	18,000		18,000
6. School of Mines:			
(a) Research			504,281
(b) Public Service			539,719
(c) Scholarships and Fellowships			15,000
SOURCE OF FUNDS:			
(1) ASETF	1,059,000		
Total School of Mines	1,059,000		1,059,000
7. Family Practice Center:			
(a) Instruction			325,769
(b) Academic Support (excl. Libr.)			1,302,935
(c) Institutional Support			189,240
(d) Operation & Maintenance of Physical Plant			75,800
SOURCE OF FUNDS:			
(1) ASETF	741,645		
(2) Other Sources		1,152,099	
Total Family Practice Center	741,645	1,152,099	1,893,744
8. Alabama Museum of Natural History:			
(a) Public Service			193,050

SOURCE OF FUNDS:			
(1) ASETF	150,000		
(2) Other Sources		43,050	
Total Alabama Museum of Natural History	150,000	43,050	193,050
9. College of Community Health Sciences Medical Education:			
(a) Instruction			1,088,812
(b) Public Service			476,167
(c) Libraries			157,393
(d) Academic Support (excl. Libr.)			709,413
(e) Institutional Support			238,533
(f) Operation & Maintenance of Physical Plant			128,000
SOURCE OF FUNDS:			
(1) ASETF	2,154,986		
(2) Other Sources		643,332	
Total College of Community Health Sciences Medical Education	2,154,986	643,332	2,798,318
10. Auxiliary Enterprises:			
(a) Scholarships & Fellowships			44,964
(b) Auxiliary Enterprises			12,065,506
(c) Debt Service			1,773,000
(d) Transfers			1,093,000
SOURCE OF FUNDS:			
(1) Other Sources		14,976,470	
Total Auxiliary Enterprises		14,976,470	14,976,470
11. Restricted Funds:			
(a) Instruction			8,482,571
(b) Research			1,995,402
(c) Public Service			169,130
(d) Libraries			57,107
(e) Academic Support (excl. Libr.)			167,045
(f) Student Services			237,682
(g) Institutional Support			141,539
(h) Operation & Maintenance of Physical Plant			89,260
(i) Scholarships and Fellowships			1,144,648

SOURCE OF FUNDS:			
(1) State Funds		4,264,932	
(2) Federal Funds		6,634,882	
(3) Other Sources		1,584,570	
Total Restricted Funds		12,484,384	12,484,384
12. Vocational Teacher Training:			
(a) Instruction			340,057
SOURCE OF FUNDS:			
(1) ASETF	340,057		
Total Vocational Teacher Training	340,057		340,057
13. Cooperative University Upper Division Program:			
(a) Instruction			289,409
SOURCE OF FUNDS:			
(1) ASETF	193,189		
(2) Other Sources		96,220	
Total Cooperative University Upper Division Program	193,189	96,220	289,409
14. Rural Infant Stimulation Environment Program:			
(a) Public Service			125,000
SOURCE OF FUNDS:			
(1) ASETF	125,000		
Total Rural Infant Stimulation Environment Program	125,000		125,000
15. High Risk Nursery:			
(a) Public Service			100,000
SOURCE OF FUNDS:			
(1) ASETF	100,000		
Total High Risk Nursery	100,000		100,000
TOTAL UNIVERSITY OF ALABAMA	39,053,067	45,684,601	84,737,668
B. University of Alabama in Birmingham			
1. School of Medicine:			
(a) Instruction			14,999,551
(b) Research			18,994,651
(c) Public Service			5,979,069
(d) Libraries			299,593

(e) Academic Support (excl. Libr.)			1,685,103
(f) Student Services			429,260
(g) Institutional Support			3,269,476
(h) Operation & Maintenance of Physical Plant			4,349,395
(i) Scholarships and Fellowships			129,261
(j) Debt Service			799,605
SOURCE OF FUNDS:			
(1) ASETF	16,199,000		
(2) State Funds		1,659,000	
(3) Federal Funds		22,430,210	
(4) Local Funds		625,000	
(5) Other Sources		10,021,754	
Total School of Medicine	16,199,000	34,735,964	50,934,964
2. Family and Other Primary Care Residency Program:			
(a) Instruction			1,723,390
(b) Institutional Support			18,590
(c) Operation & Maintenance of Physical Plant			20,020
SOURCE OF FUNDS:			
(1) ASETF	1,762,000		
Total Family and Other Primary Care Residence Programs	1,762,000		1,762,000
The above appropriation shall be expended for residency programs as follows:			
Anniston	230,000		
East End	230,000		
Jefferson County	230,000		
Montgomery	230,000		
Montg.-Internal Medicine	220,000		
Heflin	50,000		
Selma	342,000		
Gadsden	230,000		
3. University College:			
(a) Instruction			11,494,899
(b) Research			498,703
(c) Public Service			1,248,959
(d) Libraries			1,436,217

(e) Academic Support (excl. Libr.)			2,694,074
(f) Student Services			947,811
(g) Institutional Support			2,371,374
(h) Operation & Maintenance of Physical Plant			2,014,026
(i) Scholarships and Fellowships			183,451
(j) For Vocational Teacher Training			134,792
SOURCE OF FUNDS:			
(1) ASETF	13,452,764		
(2) Federal Funds		1,048,545	
(3) Other Sources		8,522,997	
Total University College	13,452,764	9,571,542	23,024,306
4. University Hospital:			
(a) Hospital			96,867,918
(b) Debt Service			3,305,730
SOURCE OF FUNDS:			
(1) ASETF	5,907,000		
(2) Sales and Services of Hospitals		94,266,648	
Total University Hospital	5,907,000	94,266,648	100,173,648
5. School of Optometry:			
(a) Instruction			1,998,148
(b) Research			87,220
(c) Public Service			59,212
(d) Libraries			5,477
(e) Academic Support (excl. Libr.)			280,217
(f) Student Services			31,775
(g) Institutional Support			145,442
(h) Operation & Maintenance of Physical Plant			379,058
(i) Debt Service			24,637
SOURCE OF FUNDS:			
(1) ASETF	2,021,500		
(2) Federal Funds		152,760	
(3) Other Sources		836,926	
Total School of Optometry	2,021,500	989,686	3,011,186
6. School of Public and Allied Health:			
(a) Instruction			1,901,284

(b) Research			64,819
(c) Public Service			246,898
(d) Libraries			27,960
(e) Academic Support (excl. Libr.)			487,310
(f) Student Services			60,547
(g) Institutional Support			232,199
(h) Operation & Maintenance of Physical Plant			297,325
(i) Scholarships and Fellowships			16,175
(j) Debt Service			29,514
SOURCE OF FUNDS:			
(1) ASETF	1,838,473		
(2) Federal Funds		1,127,483	
(3) Other Sources		398,075	
Total School of Public and Allied Health	1,838,473	1,525,558	3,364,031
7. Regional Technical Institute:			
(a) Instruction			1,389,374
(b) Research			24,837
(c) Public Service			95,932
(d) Libraries			35,802
(e) Academic Support (excl. Libr.)			210,994
(f) Student Services			63,650
(g) Institutional Support			102,583
(h) Operation & Maintenance of Physical Plant			351,428
SOURCE OF FUNDS:			
(1) ASETF	1,697,245		
(2) Federal Funds		361,927	
(3) Other Sources		215,428	
Total Regional Technical Institute	1,697,245	577,355	2,274,600
8. Joint Health Sciences:			
(a) Instruction			1,763,298
(b) Libraries			33,580
(c) Academic Support (excl. Libr.)			195,141
(d) Student Services			13,180
(e) Institutional Support			294,562
(f) Operation & Maintenance of Physical Plant			686,597

(g) Scholarships and Fellowships			104,720
SOURCE OF FUNDS:			
(1) ASETF	2,392,488		
(2) Federal Funds		184,590	
(3) Other Sources		514,000	
Total Joint Health Sciences	2,392,488	698,590	3,091,078
9. Department of Pediatrics:			
(a) Instruction			318,000
SOURCE OF FUNDS:			
(1) ASETF	318,000		
Total Department of Pediatrics	318,000		318,000
10. Center for Labor Education & Research:			
(a) Research			43,070
(b) Public Service			172,270
(c) Institutional Support			30,040
(d) Operation & Maintenance of Physical Plant			23,794
SOURCE OF FUNDS:			
(1) ASETF	269,174		
Total Center for Labor Education and Research	269,174		269,174
11. Student Nurses Loans:			
(a) Scholarships & Fellowships			12,000
SOURCE OF FUNDS:			
(1) ASETF	12,000		
Total Student Nurses Loans	12,000		12,000
12. Special Mental Health:			
(a) Instruction			1,864,930
(b) Research			400,817
(c) Public Service			100,561
(d) Institutional Support			104,100
(e) Operation & Maintenance of Physical Plant			97,052
(f) Transfers			626,734
SOURCE OF FUNDS:			
(1) Special Mental Health Fund		3,194,194	
Total Special Mental Health		3,194,194	3,194,194

13. Center for Developmental and Learning Disorders:			
(a) Instruction			1,172,445
(b) Research			20,937
(c) Public Service			900,271
SOURCE OF FUNDS:			
(1) Special Mental Health Fund		539,863	
(2) Federal Funds		1,103,190	
(3) Other Sources		450,600	
Total Center for Developmental and Learning Disorders		2,093,653	2,093,653
14. School of Dentistry:			
(a) Instruction			5,827,831
(b) Research			4,083,759
(c) Public Service			593,497
(d) Libraries			108,494
(e) Academic Support (excl. Libr.)			606,254
(f) Student Services			134,007
(g) Institutional Support			848,755
(h) Operation & Maintenance of Physical Plant			2,494,944
(i) Debt Service			91,442
SOURCE OF FUNDS:			
(1) ASETF	6,938,000		
(2) Federal Funds		4,274,530	
(3) Other Sources		3,576,453	
Total School of Dentistry	6,938,000	7,850,983	14,788,983
15. Nursing Scholarships:			
(a) Scholarships & Fellowships			88,400
SOURCE OF FUNDS:			
(1) ASETF	88,400		
Total Nursing Scholarships	88,400		88,400
16. System Medical Education Program:			
(a) Instruction			503,500
SOURCE OF FUNDS:			
(1) ASETF	503,500		
Total System Medical Education Program	503,500		503,500

17. School of Nursing:			
(a) Instruction			2,774,839
(b) Research			53,189
(c) Public Service			47,055
(d) Libraries			36,135
(e) Academic Support (excl. Libr.)			421,934
(f) Student Services			142,212
(g) Institutional Support			263,244
(h) Operation & Maintenance of Physical Plant			381,580
(i) Scholarships & Fellowships ..			21,028
SOURCE OF FUNDS:			
(1) ASETF	2,546,102		
(2) Federal Funds		1,031,130	
(3) Other Sources		563,984	
Total School of Nursing	2,546,102	1,595,114	4,141,216
18. Health-Related Research and Public Service:			
(a) Instruction			929,651
(b) Research			673,629
(c) Public Service			1,055,307
(d) Academic Support (excl. Libr.)			25,014
(e) Institutional Support			136,068
(f) Operation & Maintenance of Physical Plant			169,985
SOURCE OF FUNDS:			
(1) ASETF	2,889,654		
(2) Other Sources		100,000	
Total Health-Related Research and Public Service	2,889,654	100,000	2,989,654
19. Emergency Medical Training:			
(a) Instruction			125,000
(b) Public Service			40,000
SOURCE OF FUNDS:			
(1) ASETF	165,000		
Total Emergency Medical Training	165,000		165,000
20. Urban Research and Public Service:			
(a) Research			46,800

(b) Public Service			97,870
(c) Libraries			17,020
(d) Operation & Maintenance of Physical Plant			8,522
SOURCE OF FUNDS:			
(1) ASETF	170,212		
Total Urban Research & Public Service	170,212		170,212
21. Hypertension Research:			
(a) Research			360,000
(b) Institutional Support			19,040
(c) Operation & Maintenance of Physical Plant			20,960
SOURCE OF FUNDS:			
(1) ASETF	400,000		
Total Hypertension Research	400,000		400,000
22. Multipurpose Arthritis Center:			
(a) Research			360,000
(b) Institutional Support			19,040
(c) Operation & Maintenance of Physical Plant			20,960
SOURCE OF FUNDS:			
(1) ASETF	400,000		
Total Multipurpose Arthritis Center	400,000		400,000
23. Medical Genetics Program:			
(a) Instruction			200,000
SOURCE OF FUNDS:			
(1) ASETF	200,000		
Total Medical Genetics Program	200,000		200,000
24. Auxiliary Enterprises:			
(a) Auxiliary Enterprises			5,964,210
SOURCE OF FUNDS:			
(1) Other Sources		5,964,210	
Total Auxiliary Enterprises		5,964,210	5,964,210
TOTAL UNIVERSITY OF ALABAMA IN BIRMINGHAM	60,170,512	163,163,497	223,334,009
C. University of Alabama in Huntsville:			

1. Operation and Maintenance:			
(a) Instruction			4,304,569
(b) Research			1,029,590
(c) Public Service			332,600
(d) Libraries			596,709
(e) Academic Support (excl. Libr.)			263,086
(f) Student Services			574,486
(g) Institutional Support			980,907
(h) Operation and Maintenance of Physical Plant			1,105,283
(i) Scholarships and Fellowships			730,126
(j) Transfers			15,414
SOURCE OF FUNDS:			
(1) ASETF	5,791,184		
(2) Federal Funds		1,536,590	
(3) Other Sources		2,604,996	
Total Operation & Maintenance .	5,791,184	4,141,586	9,932,770
2. School of Nursing Scholarships:			
(a) Scholarships and Fellowships			18,000
SOURCE OF FUNDS:			
(1) ASETF	18,000		
Total School of Nursing Scholarships	18,000		18,000
(To be expended in accordance with Act 2290, 1971 Regular Session.)			
3. School of Primary Medical Care:			
(a) Instruction			1,592,854
(b) Public Service			15,469
(c) Libraries			70,640
(d) Academic Support (excl. Libr.)			535,729
(e) Student Services			60,466
(f) Institutional Support			335,938
(g) Operation and Maintenance of Physical Plant			334,890
SOURCE OF FUNDS:			
(1) ASETF	2,642,511		
(2) Federal Funds		223,475	
(3) Other Sources		80,000	
Total School of Primary Medical Care	2,642,511	303,475	2,945,986

4. Johnson Environmental & Energy Center:			
(a) Research			742,031
(b) Public Service			201,893
(c) Institutional Support			33,891
(d) Operation and Maintenance of Physical Plant			33,407
SOURCE OF FUNDS:			
(1) ASETF	269,191		
(2) State Funds		80,890	
(3) Federal Funds		647,120	
(4) Other Sources		14,021	
Total Johnson Environmental & Energy Center	269,191	742,031	1,011,222
5. Ambulatory Care Center:			
(a) Instruction			692,294
(b) Academic Support (excl. Libr.)			613,982
(c) Institutional Support			85,192
(d) Operation and Maintenance of Physical Plant			80,219
SOURCE OF FUNDS:			
(1) ASETF	646,403		
(2) Federal Funds		240,281	
(3) Other Sources		585,003	
Total Ambulatory Care Center	646,403	825,284	1,471,687
6. School of Nursing:			
(a) Instruction			598,707
(b) Academic Support (excl. Libr.)			202,692
(c) Institutional Support			134,528
(d) Operation and Maintenance of Physical Plant			132,605
SOURCE OF FUNDS:			
(1) ASETF	792,027		
(2) Other Sources		276,505	
Total School of Nursing	792,027	276,505	1,068,532
7. Paramedic Training:			
(a) Public Service			93,750
(b) Institutional Support			15,738
(c) Operation and Maintenance of Physical Plant			15,512

SOURCE OF FUNDS:			
(1) ASETF	125,000		
Total Paramedic Training	125,000		125,000
8. Alabama Solar Energy Center:			
(a) Public Service			88,243
(b) Institutional Support			14,813
(c) Operation and Maintenance of Physical Plant			14,601
SOURCE OF FUNDS:			
(1) ASETF	117,657		
Total Solar Energy Center	117,657		117,657
TOTAL UNIVERSITY OF ALABAMA IN HUNTSVILLE	10,401,973	6,288,881	16,690,854
II. Board of Trustees of Alabama A & M Univ.			
A. Alabama A & M University			
1. Operations and Maintenance			
(a) Instruction			5,772,727
(b) Research			350,470
(c) Public Service			1,680,425
(d) Libraries			625,400
(e) Academic Support (excl. Libr.)			671,455
(f) Student Services			588,550
(g) Institutional Support			1,840,000
(h) Operation and Maintenance of Physical Plant			2,291,814
(i) Scholarships and Fellowships			150,000
(j) Equipment Purchases			241,814
(k) Automotive Equipment			65,000
(l) Debt Service			451,000
SOURCE OF FUNDS:			
(1) ASETF	8,100,000		
(2) State Funds		545,000	
(3) Federal Funds		5,714,133	
(4) Other Sources		289,522	
(5) Auxiliary Enterprises		80,000	
Total Operation & Maintenance	8,100,000	6,628,655	14,728,655
2. Vocational Teacher Training:			
(a) Instruction			250,000

SOURCE OF FUNDS:			
(1) ASETF	250,000		
Total Vocational Teacher Training	250,000		250,000
3. Auxiliary Enterprises:			
(a) Auxiliary Enterprises			3,061,000
SOURCE OF FUNDS:			
(1) Other Sources		3,061,000	
Total Auxiliary Enterprises		3,061,000	3,061,000
TOTAL ALABAMA A & M UNIVERSITY	8,350,000	9,689,655	18,039,655
III. Board of Trustees of Alabama State University			
A. Alabama State University			
1. Operation and Maintenance:			
(a) Instruction			5,336,765
(b) Libraries			625,150
(c) Academic Support (excl. Libr.)			320,860
(d) Student Services			985,070
(e) Institutional Support			1,336,860
(f) Operation and Maintenance of Physical Plant			1,527,210
(g) Scholarships and Fellowships			4,376,710
(h) Research			28,800
(i) Public Service			58,300
(j) Debt Service			608,970
SOURCE OF FUNDS:			
(1) ASETF	7,368,175		
(2) Federal Funds		5,062,750	
(3) Other Sources		2,773,770	
Total Operation and Maintenance	7,368,175	7,836,520	15,204,695
2. Auxiliary Enterprises			3,013,160
SOURCE OF FUNDS:			
(1) Other Sources		3,013,160	
Total Auxiliary Enterprises		3,013,160	3,013,160
Total Alabama State University .	7,368,175	10,849,680	18,217,855
IV. Board of Trustees of Auburn University			

A. Auburn University			
1. Operation and Maintenance:			
(a) Instruction			31,775,551
(b) Research			5,363,686
(c) Public Service			3,677,233
(d) Libraries			2,516,582
(e) Academic Support (Excl. Libr.)			3,696,200
(f) Student Services			3,278,866
(g) Institutional Support			4,889,149
(h) Operation and Maintenance of Physical Plant			9,383,536
(i) Scholarships and Fellowships			870,000
(j) Transfers			2,345,000
SOURCE OF FUNDS:			
(1) ASETF	34,962,440		
(2) Federal Funds		152,350	
(3) Other Sources		32,660,733	
(4) State Funds		20,280	
Total Operation and Maintenance	34,962,440	32,833,363	67,795,803
2. School of Nursing:			
(a) Instruction			394,980
(b) Academic Support (excl. Libr.)			105,020
SOURCE OF FUNDS:			
(1) ASETF	500,000		
Total School of Nursing	500,000		500,000
3. Educational Television:			
(a) Instruction			352,068
SOURCE OF FUNDS:			
(1) ASETF	352,068		
Total Educational Television	352,068		352,068
4. Center for Vocational and Adult Education			
(a) Instruction			500,000
SOURCE OF FUNDS:			
(1) ASETF	500,000		
Total Center for Vocational and Adult Education	500,000		500,000
5. Clinical Psychology:			
(a) Instruction			110,000

SOURCE OF FUNDS:			
(1) ASETF	110,000		
Total Clinical Psychology	110,000		110,000
6. Agricultural Experiment Station:			
(a) Research			14,713,704
(b) Academic Support (excl. Libr.)			690,000
(c) Scholarships and Fellowships			5,000
(d) Operation and Maintenance of Physical Plant			310,000
SOURCE OF FUNDS:			
(1) ASETF	7,224,277		
(2) Federal Funds		4,819,427	
(3) Local Funds		50,000	
(4) Other Sources		3,610,000	
(5) State Funds		15,000	
Total Agricultural Experiment Station	7,224,277	8,494,427	15,718,704
7. Engineering Experiment Station:			
(a) Research			812,232
SOURCE OF FUNDS:			
(1) ASETF	812,232		
Total Engineering Experiment Station	812,232		812,232
8. Cooperative Extension Service:			
(a) Public Service			16,079,736
(b) Academic Support (excl. Libr.)			425,340
SOURCE OF FUNDS:			
(1) ASETF	7,893,538		
(2) Federal Funds		6,786,092	
(3) Local Funds		1,715,446	
(4) Other Sources		110,000	
Total Cooperative Extension Service	7,893,538	8,611,538	16,505,076
9. Cooperative Extension Service—Retirement:			
(a) Public Service			1,022,840
SOURCE OF FUNDS:			
(1) ASETF	1,022,840		

Total Cooperative Extension Service—Retirement	1,022,840		1,022,840
The appropriation herein made for the Extension Service shall be expended by the direction of the Board of Trustees of Auburn University through its Extension Service and shall be done in such manner as to make available the maximum amounts of aid from the Federal government.			
10. Public Service, Research and Extension:			
(a) Public Service			356,841
SOURCE OF FUNDS:			
(1) ASETF	346,841		
(2) Other Sources		10,000	
Total Public Service, Research and Extension	346,841	10,000	356,841
11. Energy Research:			
(a) Research			250,000
SOURCE OF FUNDS:			
(1) ASETF	250,000		
Total Energy Research	250,000		250,000
12. Auxiliary Enterprises:			
(a) Auxiliary Enterprises			14,500,000
(b) Debt Service			805,910
SOURCE OF FUNDS:			
(1) Other Sources		15,305,910	
Total Auxiliary Enterprises		15,305,910	15,305,910
TOTAL AUBURN UNIVERSITY	53,974,236	65,255,238	119,229,474
B. Auburn University at Montgomery:			
1. Operations and Maintenance:			
(a) Instruction			4,576,113
(b) Research			87,405
(c) Public Service			2,040,000
(d) Libraries			328,965
(e) Academic Support (excl. Libr.)			245,453
(f) Student Services			345,521
(g) Institutional Support			515,122

(h) Operation and Maintenance of Physical Plant			1,196,296
(i) Scholarships and Fellowships			293,295
(j) Debt Service			83,850
SOURCE OF FUNDS:			
(1) ASETF	5,281,493		
(2) Federal Funds		1,524,191	
(3) State Funds		515,869	
(4) Other Sources		2,390,467	
Total Operation and Maintenance	5,281,493	4,430,527	9,712,020
2. Montgomery Area Community Health Science Institute:			
(a) Public Service			127,769
SOURCE OF FUNDS:			
(1) ASETF	127,769		
Total Montgomery Area Community Health Science Institute	127,769		127,769
3. Public Service, Research and Extension (Center for Government & Public Affairs):			
(a) Public Service			170,120
SOURCE OF FUNDS:			
(1) ASETF	150,000		
(2) Other Sources		20,120	
Total Public Service, Research and Extension (Center for Government and Public Affairs)	150,000	20,120	170,120
4. School of Nursing:			
(a) Academic Support			60,408
(b) Instructor			189,592
SOURCE OF FUNDS:			
(1) ASETF	250,000		
Total School of Nursing	250,000		250,000
5. Auxiliary Enterprises:			
(a) Auxiliary Enterprises			1,110,000
SOURCE OF FUNDS:			
(1) Other Sources		1,110,000	
Total Auxiliary Enterprises		1,110,000	1,110,000
Total Auburn at Montgomery	5,809,262	5,560,647	11,369,909

V. Board of Trustees of Jacksonville State University:			
A. Jacksonville State University			
1. Operations and Maintenance			
(a) Instruction			8,498,000
(b) Public Service			20,000
(c) Libraries			929,000
(d) Academic Support (excl. Libr.)			327,000
(e) Student Services			770,000
(f) Institutional Support			276,000
(g) Operation and Maintenance of Physical Plant			2,512,378
(h) Scholarships and Fellowships			50,000
(i) Debt Service			514,375
SOURCE OF FUNDS:			
(1) ASETF	10,372,378		
(2) State Funds		300,000	
(3) Other Sources		3,224,375	
Total Operations and Maintenance	10,372,378	3,524,375	13,896,753
2. Gadsden Program:			
(a) Instruction			478,122
(b) Public Service			3,500
(c) Libraries			20,000
(d) Academic Support (excl. Libr.)			19,000
(e) Student Services			19,000
(f) Operation and Maintenance of Physical Plant			55,000
SOURCE OF FUNDS:			
(1) ASETF	484,622		
(2) Other Sources		110,000	
Total Cooperative University Upper Division (formerly Gadsden Prog.)	484,622	110,000	594,622
3. Nursing Scholarships:			
(a) Scholarships and Fellowships			18,000
SOURCE OF FUNDS:			
(1) ASETF	18,000		
Total Nursing Scholarships	18,000		18,000

(To be expended in accordance with Act No. 2288, 1971 Regular Session.)			
4. United Cerebral Palsy Development Center for East Central Alabama			
(a) Public Service			100,000
SOURCE OF FUNDS:			
(1) ASETF	100,000		
Total United Cerebral Palsy Development Center for East Central Alabama	100,000		100,000
5. For Vocational Teacher Training			
(a) Instruction			100,000
SOURCE OF FUNDS:			
(1) ASETF	100,000		
Total Vocational Teacher Training	100,000		100,000
6. Auxiliary Enterprises:			
(a) Auxiliary Enterprises			1,490,000
SOURCE OF FUNDS:			
(1) Other Sources		1,490,000	
Total Auxiliary Enterprises		1,490,000	1,490,000
Total Jacksonville State University	11,075,000	5,124,375	16,199,375
VI. Board of Trustees of Livingston State University:			
A. Livingston University			
1. Operation and Maintenance:			
(a) Instruction			1,632,143
(b) Libraries			173,902
(c) Academic Support (excl. Libr.)			196,472
(d) Student Services			224,790
(e) Institutional Support			630,208
(f) Operation and Maintenance of Physical Plant			891,821
(g) Scholarships and Fellowships			25,646
(h) For Federal Programs			230,000
SOURCE OF FUNDS:			
(1) ASETF	3,211,782		

(2) Federal Funds		230,000	
(3) Local Funds		563,200	
Total Operation and Maintenance	3,211,782	793,200	4,004,982
2. Nursing Scholarships:			
(a) Scholarships and Fellowships			18,000
SOURCE OF FUNDS:			
(1) ASETF	18,000		
Total Nursing Scholarships	18,000		18,000
3. Auxiliary Enterprises:			
(a) Auxiliary Enterprises			1,120,400
SOURCE OF FUNDS:			
(1) Other Sources		1,120,400	
Total Auxiliary Enterprises		1,120,400	1,120,400
Total Livingston University	3,229,782	1,913,600	5,143,382
VII. Board of Trustees of University of Montevallo:			
A. University of Montevallo:			
1. Operations and Maintenance:			
(a) Instruction			3,359,177
(b) Research			20,000
(c) Libraries			245,738
(d) Academic Support (excl. Libr.)			372,312
(e) Student Services			459,796
(f) Institutional Support			807,390
(g) Operation and Maintenance of Physical Plant			1,744,959
(h) Scholarships and Fellowships			25,000
SOURCE OF FUNDS:			
(1) ASETF	4,975,198		
(2) State Funds		45,000	
(3) Federal Funds		696,451	
(4) Other Sources		1,317,723	
Total Operations and Maintenance	4,975,198	2,059,174	7,034,372
2. School for Aphasic Children:			
(a) Instruction			266,574
SOURCE OF FUNDS:			
(1) ASETF	199,464		

(2) Federal Funds		2,900	
(3) Other Sources		64,210	
Total School for Aphasic Children	199,464	67,110	266,574
3. Highway Safety Program:			
(a) Instruction			137,967
(b) Research			168,803
SOURCE OF FUNDS:			
(1) ASETF	125,714		
(2) Federal Funds		168,803	
(3) Other Sources		12,253	
Total Highway Safety Program	125,714	181,056	306,770
4. Communication Center:			
(a) Instruction			19,178
(b) Public Service			65,000
SOURCE OF FUNDS:			
(1) ASETF	18,178		
(2) State Funds		65,000	
(3) Other Sources		1,000	
Total Communication Center	18,178	66,000	84,178
5. Vocational Home Economics:			
(a) Instruction			183,998
(b) Public Service			235,618
SOURCE OF FUNDS:			
(1) ASETF	50,000		
(2) State Funds		235,618	
(3) Other Sources		133,998	
Total Vocational Home Economics	50,000	369,616	419,616
6. Auxiliary Enterprises:			
(a) Auxiliary Enterprises			2,448,000
SOURCE OF FUNDS:			
(1) Other Sources		2,448,000	
Total Auxiliary Enterprises		2,448,000	2,448,000
TOTAL UNIVERSITY OF MONTEVALLO	5,368,554	5,190,956	10,559,510

VIII. Board of Trustees of University of North Alabama:			
A. University of North Alabama:			
1. Operations and Maintenance:			
(a) Instruction			5,050,520
(b) Research			106,350
(c) Public Service			42,020
(d) Libraries			494,715
(e) Academic Support (excl. Libr.)			604,500
(f) Student Services			867,720
(g) Institutional Support			1,131,100
(h) Operation and Maintenance of Physical Plant			1,695,810
(i) Scholarships and Fellowships			92,145
(j) Debt Service			164,940
SOURCE OF FUNDS:			
(1) ASETF	7,000,000		
(2) Federal Funds		243,080	
(3) Local Funds		85,000	
(4) Other Sources		2,921,740	
Total Operation and Maintenance	7,000,000	3,249,820	10,249,820
2. Auxiliary Enterprises:			
(a) Auxiliary Enterprises			2,801,010
SOURCE OF FUNDS:			
(1) Other Sources		2,801,010	
Total Auxiliary Enterprises		2,801,010	2,801,010
3. Nursing School Scholarships:			
(a) Scholarships and Fellowships			18,000
SOURCE OF FUNDS:			
(1) ASETF	18,000		
Total Nursing School Scholarships	18,000		18,000
(To be expended in accordance with Act No. 2304, 1971 Regular Session.)			
TOTAL UNIVERSITY OF NORTH ALABAMA	7,018,000	6,050,830	13,068,830

IX. Board of Trustees of University of South Alabama:			
A. University of Alabama:			
1. Operations and Maintenance:			
(a) Instruction			8,023,207
(b) Research			99,151
(c) Public Service			220,774
(d) Libraries			828,038
(e) Academic Support (excl. Libr.)			992,897
(f) Student Services			1,604,680
(g) Institutional Support			1,474,511
(h) Operations and Maintenance of Physical Plant			2,700,921
(i) Scholarships and Fellowships			267,800
(j) Debt Service			1,219,170
(k) Transfers			26,000
SOURCE OF FUNDS:			
(1) ASETF	9,852,713		
(2) State Funds		62,659	
(3) Federal Funds		276,473	
(4) Other Sources		7,265,304	
Total Operations and Maintenance	9,852,713	7,604,436	17,457,149
2. Statewide Medical Education:			
(a) Instruction			163,407
(b) Institutional Support			11,964
(c) Operation & Maintenance of Physical Plant			12,453
SOURCE OF FUNDS:			
(1) ASETF	187,824		
Total Statewide Medical Education	187,824		187,824
3. Ambulatory Care:			
(a) Academic Support (excl. Libr)			86,394
(b) Institutional Support			6,325
(c) Operation & Maintenance of Physical Plant			6,585
SOURCE OF FUNDS:			
(1) ASETF	99,304		
Total Ambulatory Care	99,304		99,304

4. Family Practice Residency Program:			
(a) Instruction			501,990
(b) Institutional Support			36,755
(c) Operations and Maintenance of Physical Plant			38,255
SOURCE OF FUNDS:			
(1) ASETF	577,000		
Total Family Practice Residency Program	577,000		577,000
The above appropriation shall be expended for Rural Family Practice Training Programs not limited to but including Family Practice Residency in Baldwin County, Family Practice Training Center in Pike County and Family Practice Residency Program in Dothan.			
5. College of Medicine:			
(a) Instruction			6,670,295
(b) Research			2,047,607
(c) Public Service			439,499
(d) Libraries			497,033
(e) Academic Support (excl. Libr.)			466,756
(f) Student Services			123,266
(g) Institutional Support			526,119
(h) Operations and Maintenance of Physical Plant			547,594
(i) Scholarships and Fellowships			12,000
(j) Transfers			2,234,446
SOURCE OF FUNDS:			
(1) ASETF	8,259,329		
(2) Federal Funds		1,566,259	
(3) Local Funds		132,094	
(4) Other Sources		3,606,933	
Total College of Medicine	8,259,329	5,305,286	13,564,615
6. Medical Center Hospital:			
(a) Hospitals			28,193,425
SOURCE OF FUNDS:			
(1) ASETF	1,677,427		
(2) Sales and Services of Hospitals		26,515,998	

Total Medical Center Hospital ...	1,677,427	26,515,998	28,193,425
7. Newborn Growth and Development Program:			
(a) Instruction			68,814
(b) Institutional Support			5,038
(c) Operation and Maintenance of Physical Plant			5,245
SOURCE OF FUNDS:			
(1) ASETF	79,097		
Total Newborn Growth and Development Program	79,097		79,097
8. Human and Clinical Nutrition Program:			
(a) Instruction			21,750
(b) Institutional Support			1,592
(c) Operation and Maintenance of Physical Plant			1,658
SOURCE OF FUNDS:			
(1) ASETF	25,000		
Total Human and Clinical Nutrition Program	25,000		25,000
9. Division of Allied Health:			
(a) Instruction			513,451
(b) Libraries			10,008
(c) Academic Support (excl. Libr.)			79,022
(d) Student Services			53,483
(e) Institutional Support			23,457
(f) Operation & Maintenance of Physical Plant			16,889
SOURCE OF FUNDS:			
(1) ASETF	586,432		
(2) Other Sources		109,878	
Total Division of Allied Health ..	586,432	109,878	696,310
10. School of Nursing:			
(a) Instruction			573,526
(b) Libraries			26,000
(c) Academic Support (excl. Libr.)			12,500
(d) Student Services			52,512
(e) Institutional Support			15,004

(f) Operation & Maintenance of Physical Plant			7,502
SOURCE OF FUNDS:			
(1) ASETF	468,864		
(2) Federal Funds		35,000	
(3) Other Sources		183,180	
Total School of Nursing	468,864	218,180	687,044
11. Nursing Scholarships:			
(a) Scholarships and Fellowships			24,200
SOURCE OF FUNDS:			
(1) ASETF	18,000		
(2) Other Sources		6,200	
Total Nursing Scholarships	18,000	6,200	24,200
(To be expended in accordance with Act No. 2304, 1971 Regular Session.)			
12. Research, Public Service and Extension:			
(a) Research			38,513
(b) Public Service			48,261
(c) Institutional Support			7,312
(d) Operation & Maintenance of Physical Plant			7,312
SOURCE OF FUNDS:			
(1) ASETF	91,398		
(2) Other Sources		10,000	
Total Research, Public Service and Extension	91,398	10,000	101,398
13. Reproductive Health Sciences Center:			
(a) Instruction			43,500
(b) Institutional Support			3,185
(c) Operation & Maintenance of Physical Plant			3,315
SOURCE OF FUNDS:			
(1) ASETF	50,000		
Total Reproductive Health Sciences Center	50,000		50,000
14. Paramedic Training Program:			
(a) Instruction			97,609

(b) Institutional Support			8,816
(c) Operation & Maintenance of Physical Plant			18,575
SOURCE OF FUNDS:			
(1) ASETF	125,000		
Total Paramedic Training Program	125,000		125,000
15. Basic Medical Sciences:			
(a) Instruction			174,000
(b) Institutional Support			12,740
(c) Operation & Maintenance of Physical Plant			13,260
SOURCE OF FUNDS:			
(1) ASETF	200,000		
Total Basic Medical Sciences	200,000		200,000
16. Birth Defect—Genetic Center:			
(a) Instruction			174,000
(b) Institutional Support			12,740
(c) Operation & Maintenance of Physical Plant			13,260
SOURCE OF FUNDS:			
(1) ASETF	200,000		
Total Birth Defect—Genetic Center	200,000		200,000
17. Auxiliary Enterprises:			
(a) Auxiliary Enterprises			3,937,352
SOURCE OF FUNDS:			
(1) Other Sources		3,937,352	
Total Auxiliary Enterprises		3,937,352	3,937,352
TOTAL UNIVERSITY OF SOUTH ALABAMA	22,497,388	43,707,330	66,204,718
X. Board of Trustees of Troy State University			
A. Troy State University:			
1. Operations and Maintenance:			
(a) Instruction			4,269,872
(b) Research			35,000
(c) Public Service			425,000
(d) Libraries			500,000

(e) Academic Support (excl. Libr.)			170,000
(f) Student Services			1,000,000
(g) Institutional Support			1,300,000
(h) Operation & Maintenance of Physical Plant			1,650,000
(i) Scholarships and Fellowships			479,000
(j) Debt Services			245,000
(k) Teacher Training			100,000
SOURCE OF FUNDS:			
(1) ASETF	6,508,599		
(2) State Funds		100,000	
(3) Federal Funds		500,000	
(4) Other Sources		3,065,273	
Total Operations and Maintenance	6,508,599	3,665,273	10,173,872
2. Operation and Maintenance at Ft. Rucker/Dothan:			
(a) Instruction			1,081,350
(b) Libraries			120,000
(c) Academic Support (excl. Libr.)			116,150
(d) Student Services			169,000
(e) Institutional Support			263,300
(f) Operation and Maintenance of Physical Plant			145,200
(g) Scholarships and Fellowships			10,000
(h) Debt Service			80,000
SOURCE OF FUNDS:			
(1) ASETF	870,000		
(2) Federal Funds		15,000	
(3) Other Sources		1,100,000	
Total Operations and Maintenance at Ft. Rucker/Dothan	870,000	1,115,000	1,985,000
3. Operations and Maintenance—TSU in Montgomery:			
(a) Instruction			1,311,300
(b) Public Service			66,500
(c) Libraries			15,000
(d) Academic Support (excl. Libr.)			145,000
(e) Student Services			235,000
(f) Institutional Support			490,000

(g) Scholarships and Fellowships			5,000
SOURCE OF FUNDS:			
(1) ASETF	222,800		
(2) Other Sources		2,045,000	
Total Operations and Maintenance—TSU in Montgomery	222,800	2,045,000	2,267,800
4. Nursing Scholarships:			
(a) Scholarships and Fellowships			36,000
SOURCE OF FUNDS:			
(1) ASETF	36,000		
Total Nursing Scholarships	36,000		36,000
(To be expended in accordance with Act No. 2292, 1971 Regular Session.)			
5. Bay Minette Branch Campus:			
(a) Instruction			343,300
(b) Libraries			61,100
(c) Academic Support (Excl. Libr.)			25,000
(d) Student Services			25,000
(e) Institutional Support			97,600
SOURCE OF FUNDS:			
(1) ASETF	50,000		
(2) Other Sources		502,000	
Total Bay Minette Branch Campus	50,000	502,000	552,000
6. Baccalaureate Degree—Nursing in Montgomery:			
(a) Instruction			251,000
(b) Libraries			38,564
SOURCE OF FUNDS:			
(1) ASETF	250,000		
(2) Other Sources		39,564	
Total Baccalaureate Degree—Nursing in Montgomery	250,000	39,564	289,564
7. Auxiliary Enterprises:			
(a) Main campus			3,397,210
(b) Ft. Rucker/Dothan			252,000
(c) Montgomery			316,000
(d) Bay Minette			95,000

SOURCE OF FUNDS:			
(1) Other Sources		4,060,210	
Total Auxiliary Enterprises		4,060,210	4,060,210
TOTAL TROY STATE UNIVERSITY	7,937,399	11,427,047	19,364,446
XI. Board of Trustees for Alabama Institute for Deaf and Blind:			
A. Alabama Institute for Deaf and Blind:			
1. Operation and Maintenance:			
(a) Instruction			2,340,297
(b) Libraries			80,000
(c) Student Services			490,00
(d) Academic Support (Excl. Libr.)			290,000
(e) Institutional Support			176,000
(f) Operation and Maintenance of Physical Plant			1,551,075
(g) Scholarships and Fellowships			1,500
(h) Infirmary Speech and Hearing			200,000
(i) Auxiliary Enterprises			100,000
SOURCE OF FUNDS:			
(1) ASETF	3,696,500		
(2) State Funds		7,500	
(3) Federal Funds		594,312	
(4) Other Sources		930,560	
Total Alabama Institute for Deaf and Blind—Operation and Maintenance	3,696,500	1,532,372	5,228,872
B. Department of Adult Blind and Deaf:			
1. Special Technical Facility:			
(a) Instruction			1,173,349
(b) Libraries			104,939
(c) Academic Support (Excl. Libr.)			26,000
(d) Student Services			842,871
(e) Institutional Support			258,962
(f) Operation and Maintenance of Physical Plant			356,854
(g) Auxiliary Enterprises			545,897

SOURCE OF FUNDS:			
(1) ASETF	964,635		
(2) Federal Funds		1,957,205	
(3) Other Sources		387,032	
Total Special Technical Facility	964,635	2,344,237	3,308,872
2. Industries for the Blind and Deaf:			
(a) Auxiliary Enterprises			6,494,764
SOURCE OF FUNDS:			
(1) ASETF	553,865		
(2) Other Sources		5,940,899	
Total Industries for the Blind and Deaf	553,865	5,940,899	6,494,764
GRAND TOTAL ALABAMA INSTITUTE FOR DEAF AND BLIND	5,215,000	9,817,508	15,032,508

Of the appropriation above each certified employee shall be allowed two hundred forty-seven dollars and twenty cents ($247.20) to provide hospital-medical insurance assistance. Of the appropriation above three hundred dollars ($300) per teacher unit for grades K-12 is allocated for all teachers employed (except ESEA Title I and Title III teachers and ESAA teachers) and shall be allotted for the purchase of instructional supplies, materials, and equipment, excluding furniture and fixtures.

XII. State Board of Education			
A. Athens State College:			
1. Operation and Maintenance:			
(a) Instruction			1,064,642
(b) Institutional Support			327,925
(c) Academic Support			182,908
(d) Student Services			217,071
(e) Operation and Maintenance of Physical Plant			478,246
(f) Public Service			534,674
(g) Libraries			89,455

SOURCE OF FUNDS:			
(1) ASETF	1,500,000		
(2) Federal Funds		564,102	
(3) Other Sources		830,819	
Total Operations and Maintenance	1,500,000	1,394,921	2,894,921
2. Auxiliary Enterprises			
(a) Auxiliary Enterprises			509,777
SOURCE OF FUNDS:			
(1) Other Sources		509,777	
Total Auxiliary Enterprises		509,777	509,777
TOTAL ATHENS STATE COLLEGE	1,500,000	1,904,698	3,404,698

Section 6. For Funding of a Paramedic Training Program with the proposed instruction to be conducted at the following institutions.

1. George C. Wallace Community College at Dothan:	
For Operations and Maintenance	125,000
2. Gadsden State Junior College:	
For Operations and Maintenance	125,000

Section 7. Other Educational Appropriations:

1. George C. Wallace Community College at Dothan:	
For nursing programs	200,000
2. Partlow School—For constructing and equipping swimming pools	200,000
3. Theodore A. Lawson State Community College	168,000
4. Nursing School at the Wallace Community College at Cullman	125,000

Section 8. Governor's Education Program

To State Department of Education—Board of Education with Governor's approval.	
For Basic Learning Skills Program, Instructional Improvement	

Teams, Instructional Improvement Support, Liability Insurance, Emergency Construction, and or the addition of new Kindergarten Units	10,000

Section 9.

A. SPECIAL MENTAL HEALTH FUND:

(1) There is hereby transferred from the Special Mental Health Trust Fund to the Board of Trustees of University of Alabama $3,194,194 to be expended under the programmatic area as shown under subsection 12 on page 42

(2) There is hereby transferred from the Special Mental Health Trust Fund $539,863 to be expended under the programmatic area as shown under subsection 13 on page 42

B. PUBLIC SCHOOL FUND:

For the Public School Fund all funds derived from the levy of the special annual tax of thirty cents on each one hundred dollars ($100.00) of taxable property in this State for the support and maintenance of the public schools and from other funds mentioned and enumerated in Section 257, 258, and 259 of the Constitution in 1901 and the amount appropriated from all other funds as is now provided by law, provided, however, not more than four percent of all funds appropriated in this Section shall be used or expended otherwise than for the payment of teachers employed in such schools.

Section 10. The State Superintendent of Education shall make requisition on the State Comptroller in favor of the proper beneficiary in accordance with the law and rules and regulations governing the expenditure or disbursement of any and all funds appropriated to the State Department of Education and/or the State Board of Education in this Act, whereupon the Comptroller, shall issue his warrant therefore. All other appropriations in this Act shall be paid by request to the Comptroller made in the manner now provided by law.

Section 11. That nothing in this Act shall be construed to affect or repeal any law authorizing or permitting any college, school or other education or eleemosynary institution of the State to receive, collect or disburse any fees, tuitions, charges, sales, endowments, trusts or income therefrom, which are now or may hereafter be authorized to receive, collect or disburse. The receiving college, school or institution shall further maintain separate accounts for such receipts or shall maintain a system of accounting which will show a cash flow of such receipts received under the provision of this appropriation.

Section 12. The provisions of this Act are severable. If any portion, paragraph, sentence, clause, provision, or portion of this Act, or all or any portion of any appropriation or appropriations herein made, be held unconstitutional or invalid, which holding shall not affect any other section, paragraph, sentence, clause, provision or portion of this Act, or any other appropriation or portion thereof made not in and of itself unconstitutional or invalid.

Section 13. In the event receipts available exceed the amount needed to pay the 1979-80 FY appropriations, then such excess shall be appropriated to those departments, boards, bureaus, etc. which were prorated in the

1978-79 FY. The amount appropriated shall only be in the amount that each department, board, bureau did not receive due to proration in the 1978-79 FY. In the event the excess receipts for 1979-80 FY is not enough to repay all prorated appropriations for the 1978-79 FY then such excess receipts shall be appropriated in the same ratio as proration was applied in the 1978-79 FY.

Such appropriations shall be conditional upon funds being available in the ASETF and with approval of the Governor.

Section 14. This Act shall become effective on October 1, 1979.

The Standing Committee on Finance and Taxation then reported the following amendment to the substitute for the Bill, H. B. 386, to-wit:

COMMITTEE AMENDMENT TO
SUBSTITUTE FOR H. B. 386

Amend substitute for House Bill 386, Section 3, subsection 10 on page 14, line 24 by inserting the following:

"(b) For the Division of Maternal and Child Health $250,000

Provided, however, that the above appropriation shall be expended only for the development of a perinatal program whose expenditure guidelines shall be developed in conjunction with the Perinatal Advisory Committee of the State Committee of Public Health. Such guidelines shall be comprehensive enough to serve as a statewide perinatal plan in meeting Federal matching requirements."

Which was adopted.

The Standing Committee on Finance and Taxation then reported the following amendment to the substitute, as amended, for the Bill, H. B. 386, to-wit:

COMMITTEE AMENDMENT TO
SUBSTITUTE, AS AMENDED, FOR H. B. 386

Amend substitute for H. B. 386 in Section 4, page 32, line 37 by inserting the following new subsection 5:

"5. John Will Memorial Scholarship Fund		
(a) Support of other educational activities program		1,000
SOURCE OF FUNDS:		
(1) ASETF	1,000	
Total John Will Memorial Scholarship Fund	1,000	1,000"

Which was adopted.

The Standing Committee on Finance and Taxation then reported the following amendment to the substitute, as amended, for the Bill, H. B. 386, to-wit:

COMMITTEE AMENDMENT TO SUBSTITUTE,
AS AMENDED, FOR H. B. 386

Amend substitute for H. B. 386 by inserting in Section 4 on page 32, line 37 the following:

"5. Environmental Quality Association			
(a) Environmental Education Program			175,000
SOURCE OF FUNDS:			
(1) ASETF	175,000		
Total Environmental Quality Association	175,000		175,000"

Which was adopted.

The Standing Committee on Finance and Taxation then reported the following amendment to the substitute, as amended, for the Bill, H. B. 386, to-wit:

COMMITTEE AMENDMENT TO SUBSTITUTE,
AS AMENDED FOR HOUSE BILL 386

Amend substitute for House Bill 386 by striking in Section 3, subsection 2 (c), page 3, line 17 the figures "3,500" and inserting in lieu thereof the figures "25,000".

Further amend H. B. 386 as substituted by striking on page 3, lines 19-22 in their entirety and inserting in lieu thereof the following:

"(1) ASETF	525,000		
(2) Federal and Local Funds		614,098	
Total Council on Arts and Humanities	525,000	614,098	1,139,098

Which was adopted.

The Standing Committee on Finance and Taxation then reported the following amendment to the substitute, as amended, for the Bill, H. B. 386, to-wit:

COMMITTEE AMENDMENT TO SUBSTITUTE,
AS AMENDED, FOR HOUSE BILL 386

Amend substitute for House Bill 386 by striking in Section 5, sub-section IV on page 53, lines 18-30 in their entirety.

Further amend substitute for H. B. 386 by striking in Section 5, subsection IV on page 54 lines 6-15 in their entirety.

Further amend substitute for H. B. 386 by striking in Section 5, subsection IV on page 55 line 25 in its entirety and inserting in lieu thereof the following:

"TOTAL AUBURN UNIVERSITY	38,856,421	48,149,273	87,005,694

Further amend substitute for H. B. 386 by inserting on page 55 in Section 5, sub-section IV after line 25 the following:

"B. Agricultural Experiment Station:			
(a) Research			14,713,704
(b) Academic Support (excl. Libr.)			690,000
(c) Scholarships and Fellowships			5,000
(d) Operation and Maintenance of Physical Plant			310,000
SOURCE OF FUNDS:			
(1) ASETF	7,224,277		
(2) Federal Funds		4,819,427	
(3) Local Funds		50,000	
(4) Other Sources		3,610,000	
(5) State Funds		15,000	
Total Agricultural Experiment Station	7,224,277	8,494,427	15,718,704"

Further amend substitute for H. B. 386 by inserting on page 55 in Section 5, sub-section IV after line 25 the following and renumbering the remaining sub-section:

"C. Cooperative Extension Service:			
(a) Public Service			16,079,736
(b) Academic Support (excl. Libr.)			425,340
SOURCE OF FUNDS:			
(1) ASETF	7,893,538		
(2) Federal Funds		6,786,092	
(3) Local Funds		1,715,446	
(4) Other Sources		110,000	
Total Cooperative Extension Service	7,893,538	8,611,538	16,505,076"

Which was adopted.

The Standing Committee on Finance and Taxation then reported the following amendment to the substitute, as amended, for the Bill, H. B. 386, to-wit:

COMMITTEE AMENDMENT TO SUBSTITUTE,
AS AMENDED, FOR HOUSE BILL 386

Amend substitute for House Bill 386 by inserting on page 32, after line 37, in Section 4 the following:

"5. Alabama Arts Hall of Fame . 5,000.

SOURCE OF FUNDS:		
(1) ASETF	5,000	
Total Alabama Arts Hall of Fame	5,000	5,000

Which was adopted.

The Standing Committee on Finance and Taxation then reported the following amendment to the substitute, as amended, for the Bill, H. B. 386, to-wit:

COMMITTEE AMENDMENT TO SUBSTITUTE, AS AMENDED, FOR HOUSE BILL 386

Amend substitute for House Bill 386, on page 8, Subsection (d), by adding the following on lines 18 and 19:

Teacher Certification & Accreditation	227,000

Further amend substitute for House Bill 386, page 8, Subsection (d), by deleting the amount $379,500 on line 21 and inserting in lieu thereof $606,500.

Further amend substitute for House Bill 386, page 8, Subsection (d), by deleting the amounts $379,500 and $1,330,044 on line 23 and inserting in lieu thereof the amounts $606,500 and $1,557,044.

Further amend substitute for House Bill 386, by increasing the grand total figures shown on line 23, page 13, by the amount of this amendment together with any other amendments to this bill which are adopted.

Which was adopted.

The Standing Committee on Finance and Taxation then reported the following amendment to the substitute, as amended, for the Bill, H. B. 386, to-wit:

SENATE FINANCE & TAXATION COMMITTEE AMENDMENT TO SUBSTITUTE, AS AMENDED, FOR HOUSE BILL 386

Amend substitute for House Bill 386 on page 31, line 25 by adding the following:

"In addition to the above appropriation there is appropriated $1,083,543 conditional upon the condition of the Alabama Special Education Trust Fund and upon approval of the Governor."

Which was adopted.

The Standing Committee on Finance and Taxation then reported the following amendment to the substitute, as amended, for the Bill, H. B. 386, to-wit:

COMMITTEE AMENDMENT TO SUBSTITUTE, AS AMENDED, FOR HOUSE BILL 386

Amend substitute for House Bill 386, by inserting a new Title XIII on the appropriation page to read as follows:

A. East Alabama Sickle Cell Association, Inc., for the purpose of education and counseling 30,000

Which was adopted.

The Standing Committee on Finance and Taxation then reported the following amendment to the substitute, as amended, for the Bill, H. B. 386, to-wit:

COMMITTEE AMENDMENT TO SUBSTITUTE, AS AMENDED, FOR H. B. 386

Amend substitute for House Bill 386 by striking in Section 5 (c) subsection 8 on page 49, lines 17-26 in their entirety and inserting in lieu thereof the following:

"8. Alabama Solar Energy Center:			
(a) Public Service			188,243
(b) Institutional Support			39,813
(c) Operation and Maintenance of Physical Plant			39,601
SOURCE OF FUNDS:			
(1) ASETF	267,657		
Total Solar Energy Center	267,657		267,657
TOTAL UNIVERSITY OF ALABAMA IN HUNTSVILLE	10,551,973	6,288,881	16,840,854"

Which was adopted.

The Standing Committee on Finance and Taxation then reported the following amendment to the substitute, as amended, for the Bill, H. B. 386, to-wit:

COMMITTEE AMENDMENT TO SUBSTITUTE, AS AMENDED, FOR H. B. 386

Amend substitute for House Bill 386, Subsection IA of Section 5 by inserting after line 21 page 37 the following:

16. SAFE STATE PROGRAM			
(a) Public Service			606,440
SOURCE OF FUNDS:			
(1) ASETF	160,489		
(2) Other Sources		445,951	
Total Safe State Program	160,489	445,951	606,440

All other total figures should reflect this change.

Which was adopted.

The Standing Committee on Finance and Taxation then reported the following amendment to the substitute, as amended, for the Bill, H. B. 386, to-wit:

COMMITTEE AMENDMENT TO SUBSTITUTE,
AS AMENDED, FOR H. B. 386

Amend substitute for House Bill 386 on page 9, Subsection (g), by deleting the amount $6,200,000 on line 20 and inserting in lieu thereof $6,400,000.

Further amend substitute for House Bill 386, page 9, Subsection (g), by deleting the amount $6,400,000 on line 27 and inserting in lieu thereof the amount $6,600,000.

Further amend substitute for House Bill 386 page 9, Subsection (g), by deleting the amounts $6,400,000 and $33,751,138 on line 30 and inserting in lieu thereof the amounts $6,600,000 and $33,951,138.

Further amend substitute for House Bill 386, by increasing the grand total figures shown on line 23, page 13, by the amount of this amendment together with any other amendments to this bill which are adopted.

Which was adopted.

The Standing Committee on Finance and Taxation then reported the following amendment to the substitute, as amended, for the Bill, H. B. 386, to-wit:

COMMITTEE AMENDMENT TO SUBSTITUTE,
AS AMENDED, FOR HOUSE BILL 386

Amend substitute for House Bill 386 on page 77 by adding a new Section 11 and renumbering the subsequent sections which said Section 11 shall read as follows:

"For leasing from Southern Benedictine College in Cullman, Alabama, by the George C. Wallace Community College at Hanceville the library building and library and other buildings for a period of five years $200,000

This appropriation shall be conditional upon the condition of the Special Education Trust Fund and upon approval of the Governor.

Which was adopted.

The Standing Committee on Finance and Taxation then reported the following amendment to the substitute, as amended, for the Bill, H. B. 386, to-wit:

COMMITTEE AMENDMENT TO SUBSTITUTE,
AS AMENDED, FOR H. B. 386

Amend substitute, as amended, for House Bill 386 on Page 76, Line 30, by striking the words "Liability Insurance,"

Which was adopted.

The Standing Committee on Finance and Taxation then reported the following amendment to the substitute, as amended, for the Bill, H. B. 386, to-wit:

COMMITTEE AMENDMENT TO SUBSTITUTE,
AS AMENDED, FOR HOUSE BILL 386

Amend substitute for House Bill 386 on page 76, line 17 by adding the words "at Dothan".

On motion of Mr. Pearson, said amendment was laid on the table.

Mr. Pearson then offered the following amendment to the substitute, as amended, for the Bill, H. B. 386, to-wit:

AMENDMENT TO SUBSTITUTE,
AS AMENDED, FOR H. B. 386

Amend substitute for House Bill 386 by striking in Section 3, sub-section 6(d) on page 8, lines 21-23 in their entirety and inserting in lieu thereof the following:

"(1) ASETF	606,500		
(2) Federal and Local Funds		950,544	
Total Regulation Program	606,500	950,544	1,557,044"

Further amend substitute for House Bill 386 by striking in Section 3, on page 13, lines 20-23 in their entirety and inserting in lieu thereof the following:

"(1) ASETF	81,225,837		
(2) Federal & Local Funds		244,686,146	
Grand Total Department of Education	81,225,837	244,686,146	325,911,983"

Further amend substitute for House Bill 386 by striking in Section 5, sub-section IA on page 37, line 22 in its entirety and inserting in lieu thereof the following:

"TOTAL UNIVERSITY OF ALABAMA	39,213,556	46,130,552	85,344,108"

Further amend substitute for House Bill 386 by striking in Section 3, sub-section 10 on page 14, lines 33-34 the following:

"(1) ASETF	500,000		
Total Health Department	500,000		500,000"

and inserting in lieu thereof the following:

"(1) ASETF	750,000		
Total Health Department	750,000		750,000"

Which was adopted.

And said substitute, as thus amended, for the Bill, H. B. 386, was then adopted by the Senate.

Yeas 26; Nays 0.

Yeas:

Messrs.:	Britnell	Denton	Hall
Bailey	Callahan	Goodwin	Harrison
Barron	Cook	Gulledge	Higginbotham

Holmes	Miller	Robertson	Teague	
Keener	Mitchem	St. John	Vacca	
Lemaster	Parsons	Smith	White	
Little	Pearson	Taylor		—26

Nays: —0

Mr. Cook offered the following amendment to the Bill, H. B. 386, as amended, to-wit:

AMENDMENT TO H. B. 386, AS AMENDED

Amend H. B. 386 by adding in Section 5, I,B, on page 46 of the bill immediately following item 24 the following:

"25. For the State Theater—Town and Gown	200,000		200,000
Further amend the totals on line 25 page No. 46 of the bill to read.	60,370,512	163,163,497	223,534,009

On motion of Mr. Pearson, said amendment was laid on the table.

Mr. Little offered the following amendment to the Bill, H. B. 386, as amended, to-wit:

AMENDMENT TO H. B. 386,
AS AMENDED

Amend House Bill No. 386, as substituted Page 15 by striking out lines 11, 12, 18, 19, 20 and 21 in their entirety and furthermore to change "figures" accordingly;

and furthermore on page 76, line 24 and a subsection (1)

and furthermore on line 32 on page 76, strike the figure

"10,000,000

and insert in lieu thereof the figure

$7,000,000

and furthermore on page 76, begin on line 33, the following:

(2) To the Commission on Higher Education for the Alabama Student Grant Program 3,000,000

The Alabama Student Grant funds are to be expended in accordance with Act No. 90, 1978 Second Special Session.

On motion of Mr. Callahan, said amendment was laid on the table.

Yeas 26; Nays 7.

Yeas:

Messrs.:	Figures	Lemaster	Smith	
Bailey	Glass	McDonald	Taylor	
Callahan	Goodwin	Miller	Teague	
Clemon	Gulledge	Mitchem	Vacca	
Cook	Higginbotham	Parsons	Weeks	
deGraffenried	Keener	Pearson	White	
Denton	Kirkland	St. John		—26

Nays:

Messrs.:	Hall	Holmes	Proctor
Barron	Harrison	Little	Robertson

—7

Mr. Harrison offered the following amendment to the Bill, H. B. 386, as amended, to-wit:

AMENDMENT TO H. 386, AS AMENDED

On page 38, line 28, strike the figure "230,000" and insert in lieu thereof the figure:

460,000

On motion of Mr. Pearson, said amendment was laid on the table.

Mr. Harrison then offered the following amendment to the Bill, H. B. 386, as amended, to-wit:

AMENDMENT TO H. B. 386, AS AMENDED

On page 38, line 28, strike the figure "230,000" and insert in lieu thereof the figure:

330,000

On motion of Mr. Pearson, said amendment was laid on the table.

Mr. Proctor offered the following amendment to the Bill, H. B. 386, as amended, to-wit:

AMENDMENT TO H. B. 386, AS AMENDED

Amend House Bill NO. 386 Page 76 Line 32, by striking out 10,000,000 and inserting in lieu thereof $3 million.

and inserting a new section on line 33 as follows:

To use for salary pay for institutional staff Kindergarten through Grade 12 and elementary and support personnel 7,000,000

On motion of Mr. Smith, said amendment was laid on the table.

Yeas 22; Nays 10.

Yeas:

Messrs.:	Figures	McDonald	Taylor	
Bailey	Goodwin	Mitchem	Teague	
Clemon	Gulledge	Parsons	Vacca	
Cook	Harrison	Pearson	Weeks	
deGraffenried	Higginbotham	St. John	White	
Denton	Lemaster	Smith		—22

Nays:

Messrs.:	Glass	Keener	Proctor	
Barron	Hall	Kirkland	Robertson	
Britnell	Holmes	Little		—10

Mr. Britnell offered the following amendment to the Bill, H. B. 386, as amended, to-wit:

AMENDMENT TO H. B. 386, AS AMENDED

Amend House Bill NO. 386 as substituted Page 76 Line 22, by inserting the following:

"5. Shelton State Community College$5,000,000 for capital outlay"

Mr. Robertson offered the following amendment to the Britnell amendment to the Bill, H. B. 386, as amended, to-wit:

AMENDMENT TO BRITNELL NO. 1 AMENDMENT TO H. B. 386, AS AMENDED

Amend House Bill No. 386 as sub Page 76 Line 22, by inserting the following

"5. Shelton State Community College $125,000 for Capital Outlay

Mr. Britnell moved that said amendment be laid on the table, which motion was lost.

Yeas 3; Nays 10.

Yeas: Messrs.: Britnell, Hall, Higginbotham. —3

Nays:

Messrs.:	Denton	Robertson	Taylor	
Cook	Goodwin	St. John	White	
deGraffenried	Mitchem	Smith		—10

And said Robertson amendment to the Britnell amendment to the Bill, H. B. 386, as amended, was then adopted by the Senate.

The question then recurred on the Britnell amendment to the Bill, H. B. 386, as amended, and on motion of Mr. St. John, said amendment was laid on the table.

Mr. Britnell then offered the following amendment to the Bill, H. B. 386, as amended, to-wit:

AMENDMENT H. B. 386, AS AMENDED

Amend House Bill No. 386 as substituted Page 76 Line 22, by inserting the following:

"5. Shelton State Community College $1,000,000 for capitol outlay"

On motion of Mr. St. John, said amendment was laid on the table.

Mr. Britnell then offered the following amendment to the Bill, H. B. 386, as amended, to-wit:

AMENDMENT TO H. B. 386 AS AMENDED

In Section 3, subsection A. 14, on page 17, line 22, delete the words, phrases, punctuation and figures, "; (21) Shelton State Community College." and insert a period.

On motion of Mr. deGraffenried, said amendment was laid on the table.

Yeas 14; Nays 10.

Yeas:

Messrs.:	Glass	Little	Smith	
Clemon	Goodwin	McDonald	Teague	
Cook	Holmes	Parsons	Vacca	
deGraffenried	Kirkland	Robertson		—14

Nays:

Messrs.:	Hall	Lemaster	Weeks	
Britnell	Harrison	St. John	White	
Denton	Higginbotham	Taylor		—10

Mr. Barron offered the following amendment to the Bill, H. B. 386, as amended, to-wit:

AMENDMENT TO H. B. 386, AS AMENDED

Amend House Bill No. 386 Page 76 Line 32, by inserting a semi-colon after the word "Units" and adding the following:

This appropriation shall be conditional upon the condition of the Special Education Trust Fund and upon approval of the Governor, and upon the further condition that the percentage expended of the funds hereby conditionally appropriated shall not exceed the percentage expended of the aggregate of all other conditional appropriations of the Special Educational Trust Fund for the fiscal year ending September 30, 1980.

On motion of Mr. Smith, said amendment was laid on the table.

Yeas 22; Nays 7.

Yeas:

Messrs.:	Goodwin	Lemaster	Smith	
Bailey	Gulledge	McDonald	Taylor	
Callahan	Harrison	Miller	Teague	
Clemon	Higginbotham	Mitchem	Vacca	
deGraffenried	Keener	Pearson	Weeks	
Denton	Kirkland	St. John		—22

Nays:

Messrs.:	Hall	Little	Robertson	
Barron	Holmes	Proctor	White	

—7

Mr. Robertson offered the following amendment to the Bill, H. B. 386, as amended, to-wit:

AMENDMENT TO H. B. 386, AS AMENDED

Amend House Bill No. 386 Page 76 Line 23, by striking out Sec. 8.

On motion of Mr. St. John, said amendment was laid on the table.

Yeas 27; Nays 6.

Yeas:

Messrs.:	Glass	Lemaster	St. John
Bailey	Goodwin	Little	Smith
Callahan	Gulledge	McDonald	Taylor
Clemon	Harrison	Miller	Teague
Cook	Higginbotham	Mitchem	Vacca
deGraffenried	Keener	Parsons	Weeks
Denton	Kirkland	Pearson	White

—27

Nays:

Messrs.:	Britnell	Holmes	Robertson
Barron	Hall	Proctor	

—6

Mr. White offered the following amendment to the Bill, H. B. 386, as amended, to-wit:

AMENDMENT TO HOUSE BILL 386, AS AMENDED

Amend House Bill No. 386 as follows:

In Section 5, I, B, on page 46 of the bill immediately following item 24 the following:

25. For the Alabama Heart Hospital	500,000	500,000
The above appropriation shall be conditional upon condition of the Education Trust Fund and with approval of the Governor.		

On motion of Mr. St. John, said amendment was laid on the table.

And said Bill, H. B. 386, as thus amended, was read a third time at length and passed.

Yeas 32; Nays 2.

Yeas:

Messrs.:	Glass	Little	St. John
Bailey	Goodwin	McDonald	Smith
Britnell	Gulledge	Miller	Taylor
Callahan	Harrison	Mitchem	Teague
Clemon	Higginbotham	Parsons	Vacca
Cook	Holmes	Pearson	Weeks
deGraffenried	Keener	Proctor	White
Denton	Kirkland	Robertson	
Figures	Lemaster		

—32

Nays: Messrs.: Barron, Hall. —2

Mr. Pearson moved that the Senate reconsider the vote by which the Bill, H. B. 386, as amended, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills and Senate Joint Resolution with the original Senate Bills and Senate Joint Resolution respectively, and finds same correctly enrolled, to-wit:

S. 446. To amend Act No. 126, H. 58, 1971 Regular Session (1971 Acts, p. 208) entitled "An Act To provide for the assessment, collection, amount and use of additional taxes as court costs in all cases docketed in the Circuit Court in the Thirteenth Judicial Circuit," so as to further provide for the distribution of such taxes.

Also:

S. 484. Relating to Shelby County; providing for the compensation of the tax assessor and tax collector.

Also:

S. 553. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Pine Apple, in Wilcox County.

Also:

S. 269. To amend further Section 3 of Act No. 96, H. 17, First Special Session 1971 (Acts 1971, p. 166), which levies and regulates a privilege tax against persons engaged in the business of leasing or renting tangible personal property, so as to further provide for exemptions from the computation of the amount of the tax levied.

Also:

S. J. R. 131. INVITING MEMBERS OF THE LEGISLATURE TO THE CEREMONY TO UNVEIL THE PORTRAIT OF THE LATE SENATOR WALTER C. GIVHAN.

ALBERT McDONALD,
Chairman.

SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills and Senate Joint Resolution, the titles of which are set out in the foregoing report from the Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 692. To provide that persons now residing in nursing homes and permanently disabled persons confined to home in Mobile County may register to vote by mail.

JOHN W. PEMBERTON,
Clerk.

BILLS ON THIRD READING RESUMED

The Bill:

H. 580. To provide up to a 7% cost-of-living increase for all certified employees and full-time support personnel paid from state funds in the elementary-secondary schools, and the Alabama Institute for Deaf and Blind paid from state funds, and for all full-time academic instructional personnel in the Department of Youth Services paid from state funds, for full-time instructional staff for junior, technical, and community colleges paid from state funds, and to identify the funds from which said cost-of-living increase shall be paid and to provide a procedure for determining availability and paying out of such funds. Also additional funds to Athens State College and the universities.

was taken up.

The Standing Committee on Finance and Taxation reported the following amendment to the Bill, H. B. 580, to-wit:

COMMITTEE AMENDMENT TO H. B. 580

Amend House Bill 580 by striking subsections (c), (d) and (e) of Section 2 by inserting in lieu thereof the following new subsections:

"(c) The State Board of Education shall receive an appropriation based on all full-time instructors, librarians, and counselors in the technical colleges of up to 7% of the state salary allocated in the 1978-79 fiscal year, to be distributed to the said technical colleges. It is the intent of the Legislature that said funds be used to grant cost of living raises on a fair and equitable basis for all classifications of personnel of said junior colleges."

(d) The State Board of Education shall receive an appropriation based on all full-time instructors, librarians, and counselors in the junior colleges of up to 7% of the state salary allocated in the 1978-79 fiscal year, to be distributed to the said junior colleges. It is the intent of the Legislature that said funds be used to grant cost of living raises on a fair and equitable basis for all classifications of personnel of said junior colleges.

(e) Athens State College and the universities shall receive an appropriation based on full-time instructional staff of up to 7% of state salary allocated in 1978-79 Fiscal Year. However, it is the intent of the Legislature that said funds be used to grant cost of living raises on a fair and equitable basis for all classifications of personnel of said college and universities."

Which was adopted.

Yeas 29; Nays 0.

Yeas:

Messrs.:	Britnell	Figures	Gulledge
Bailey	Clemon	Glass	Hall
Barron	Denton	Goodwin	Harrison

Higginbotham	McDonald	Proctor	Teague	
Holmes	Miller	St. John	Vacca	
Keener	Mitchem	Smith	Weeks	
Kirkland	Parsons	Taylor	White	
Little	Pearson			—29

Nays: —0

Mr. Mitchem offered the following amendment to the Bill, H. B. 580, as amended, to-wit:

AMENDMENT TO H. B. 580, AS AMENDED

Amend S. B. 580 by adding the following to subsection (e) of Section 2:

Provided, however, Athens State College and the universities under this subsection shall have authority to transfer funds between line items to grant cost-of-living increases to full-time support personnel, the intent of the Legislature being that the funds be used to grant cost-of-living raises on a fair and equitable basis for all personnel of said college and the universities.

Which was adopted.

Yeas 29; Nays 0.

Yeas:

Messrs.:	Figures	Keener	Pearson	
Bailey	Glass	Kirkland	Proctor	
Barron	Goodwin	Little	St. John	
Callahan	Gulledge	McDonald	Smith	
Clemon	Hall	Miller	Taylor	
Cook	Harrison	Mitchem	Vacca	
deGraffenried	Higginbotham	Parsons	White	
Denton	Holmes			—29

Nays: —0

Mr. Proctor offered the following amendment to the Bill, H. B. 580, as amended, to-wit:

AMENDMENT TO H. B. 580, AS AMENDED

Amend Section 6, p. 4, line 21, by adding a new sentence following the period. New sentence to read:

"If at the end of the fiscal year salaries have not been increased seven (7%) percent then such amount of the $12,787,439 unappropriated reserve as is necessary shall be released for payment for salary increases up to the maximum amount allowed herein."

On motion of Mr. St. John, said amendment was laid on the table.

Yeas 21; Nays 11.

Yeas:

Messrs.:	Figures	McDonald	Smith	
Bailey	Glass	Miller	Taylor	
Clemon	Goodwin	Mitchem	Vacca	
Cook	Gulledge	Pearson	Weeks	
deGraffenried	Harrison	St. John	White	
Denton	Higginbotham			—21

Nays:

Messrs.:	Hall	Kirkland	Proctor
Barron	Holmes	Little	Robertson
Britnell	Keener	Parsons	Teague

—11

Mr. Holmes offered the following amendment to the Bill, H. B. 580, as amended, to-wit:

AMENDMENT TO H. B. 580, AS AMENDED

Amend Section 6, p. 4, line 21, by adding a new sentence following the period. New sentence to read:

"If at the end of the fiscal year salaries have not been increased seven (7%) percent then such amount of the $12,787,439 unappropriated reserve as is necessary shall be released for payment for salary increases up to the maximum amount allowed herein, subject to the approval of the Governor based on the condition of the state treasury and/or the availability of monies in the Alabama Special Educational Trust Fund."

On motion of Mr. St. John, said amendment was laid on the table.

Yeas 18; Nays 14.

Yeas:

Messrs.:	Denton	Higginbotham	St. John
Bailey	Figures	Lemaster	Smith
Callahan	Goodwin	McDonald	Weeks
Clemon	Gulledge	Mitchem	White
Cook	Harrison	Pearson	

—18

Nays:

Messrs.:	Glass	Kirkland	Robertson
Barron	Hall	Little	Taylor
Britnell	Holmes	Parsons	Teague
deGraffenried	Keener	Proctor	

—14

Mr. deGraffenried offered the following amendment to the Bill, H. B. 580, as amended, to-wit:

AMENDMENT TO H. B. 580, AS AMENDED

Amend House Bill No. 580 on line 8 by inserting after the word "counselors"

and full-time support personnel

Further amend on line 14 by inserting after the word "counselors"

and full-time support personnel

Further amend on line 20 by inserting after the word "staff"

and full-time support personnel

On motion of Mr. St. John, said amendment was laid on the table.

Yeas 19; Nays 10.

Yeas:

Messrs.:	Figures	Higginbotham	Pearson	
Bailey	Goodwin	Lemaster	St. John	
Callahan	Gulledge	Miller	Smith	
Clemon	Hall	Mitchem	Taylor	
Denton	Harrison	Parsons	Weeks	
				—19

Nays:

Messrs.:	Holmes	Proctor	Vacca	
Britnell	Kirkland	Robertson	White	
deGraffenried	Little	Teague		—10

Mr. Harrison offered the following amendment to the Bill, H. B. 580, as amended, to-wit:

AMENDMENT TO H. B. 580, AS AMENDED

On page 3, line 12 by deleting subsection (b) and inserting in lieu thereof the following:

(b) Pay Raises for Support Personnel. There is hereby appropriated from the Alabama Special Educational Trust Fund in the State Treasury sufficient funds to each local school system, each institution of higher learning, and each institution under the control of the state board of education sufficient funds to grant all full-time support personnel a cost-of-living increase in the amount of $500 per year.

On motion of Mr. St. John, said amendment was laid on the table.

Messrs. deGraffenried and Little offered the following amendment to the Bill, H. B. 580, as amended, to-wit:

AMENDMENT TO H. B. 580, AS AMENDED

Strike on page 3 subsection (e) as amended and in lieu thereof insert the following:

(e) Athens State College and the universities shall receive an appropriation based on full-time personnel, up to 7% of state salary allocated in 1978-79 fiscal year.

On motion of Mr. St. John, said amendment was laid on the table.

And said Bill, H. B. 580, as thus amended, was read a third time at length and passed.

Yeas 30; Nays 0.

Yeas:

Messrs.:	Denton	Kirkland	Robertson	
Bailey	Figures	Lemaster	St. John	
Barron	Glass	Little	Smith	
Britnell	Goodwin	McDonald	Taylor	
Callahan	Gulledge	Miller	Teague	
Clemon	Hall	Mitchem	Weeks	
Cook	Harrison	Pearson	White	
deGraffenried	Higginbotham	Proctor		—30

Nays: —0

Mr. Pearson moved that the Senate reconsider the vote by which the Bill, H. B. 580, as amended, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Moore:

H. J. R. 272. DENYING THE RECOMMENDATIONS OF THE JUDICIAL COMPENSATION COMMITTEE.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the report of the Judicial Compensation Committee created by Section 6.09 of Article VI of the Constitution of Alabama, filed and submitted to the legislature on March 9, 1979, and the recommendations contained therein, are hereby denied.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. McDonald, the Rules were suspended and the Resolution, H. J. R. 272, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 24; Nays 7.

Yeas:

Messrs.:	Glass	Lemaster	Robertson
Bailey	Goodwin	Little	Smith
Barron	Hall	McDonald	Taylor
Britnell	Harrison	Miller	Teague
Callahan	Higginbotham	Mitchem	Weeks
Cook	Holmes	Proctor	White
Denton			—24

Nays:

Messrs.:	Figures	Parsons	St. John
Clemon	Kirkland	Pearson	Vacca
			—7

Mr. White moved that the Senate reconsider the vote by which the Resolution, H. J. R. 272, was adopted, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Manley:

H. J. R. 278. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when we adjourn today, Thursday, July 12, 1979, we adjourn to meet again on Tuesday, July 17, 1979.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. McDonald, the Rules were suspended and the Resolution, H. J. R. 278, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate.

S. 537. To propose an amendment to the Constitution of Alabama of 1901, relating to the promotion of production, distribution, improvement, marketing, use and sale of peanuts, milk, and cotton and peanut, milk and cotton products; and to provide for assessment and fees to pay for the cost thereof.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Bailey, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 387, the title of which is set out in the foregoing Message from the House, to-wit:

AMENDMENT TO S. B. 537

Amend S. 537 as follows:

On page one, in line 33 delete the word "producers" and insert in lieu thereof the word growers

and after the word "peanuts" insert the words: and producers of

In line 34, after the word "such" insert the words: growers and

On page two, in line 5, strike the comma and add the words: growers and

In line seven, strike the comma and add the words: growers and

In line eight after the word "producer" add an s and delete the word "does" and insert in lieu thereof the word do

In line 18 strike the word "producers" and insert in lieu thereof the word: growers

and delete the comma and add the words: and producers of

On page two, in line 35 after the word "enumerated." add the following: The legislature shall provide, by enabling legislation, the definition of peanut growers and producers.

Yeas 27; Nays 0.

Yeas:

Messrs.:	Glass	Lemaster	Robertson	
Bailey	Goodwin	Little	St. John	
Barron	Gulledge	McDonald	Smith	
Britnell	Hall	Miller	Taylor	
Clemon	Harrison	Mitchem	Vacca	
deGraffenried	Higginbotham	Parsons	Weeks	
Denton	Kirkland	Pearson	White	
				—27

Nays: —0

BILLS ON THIRD READING RESUMED

The Bill:

H. 388. To make appropriations for the support and maintenance of the Marion Military Institute.

was read a third time at length and passed.

Yeas 30; Nays 2.

Yeas:

Messrs.:	Goodwin	Little	St. John	
Bailey	Gulledge	McDonald	Smith	
Callahan	Hall	Miller	Taylor	
Clemon	Harrison	Mitchem	Teague	
Cook	Higginbotham	Parsons	Vacca	
deGraffenried	Holmes	Pearson	Weeks	
Figures	Keener	Proctor	White	
Glass	Kirkland	Robertson		—30

Nays: Messrs.: Barron, Denton. —2

The Bill:

H. 389. To make appropriations for the support and maintenance of the Tuskegee Institute.

was read a third time at length and passed.

Yeas 30; Nays 2.

Yeas:

Messrs.:	Goodwin	Little	St. John	
Bailey	Gulledge	McDonald	Smith	
Callahan	Hall	Miller	Taylor	
Clemon	Harrison	Mitchem	Teague	
Cook	Higginbotham	Parsons	Vacca	
deGraffenried	Holmes	Pearson	Weeks	
Figures	Keener	Proctor	White	
Glass	Kirkland	Robertson		—30

Nays: Messrs.: Barron, Denton. —2

The Bill:

H. 390. To make appropriations for the support and maintenance of the Talladega College.

was read a third time at length and passed.

Yeas 30; Nays 2.

Yeas:

Messrs.:	Goodwin	Little	St. John	
Bailey	Gulledge	McDonald	Smith	
Callahan	Hall	Miller	Taylor	
Clemon	Harrison	Mitchem	Teague	
Cook	Higginbotham	Parsons	Vacca	
deGraffenried	Holmes	Pearson	Weeks	
Figures	Keener	Proctor	White	
Glass	Kirkland	Robertson		—30

Nays: Messrs.: Barron, Denton. —2

The Bill:

H. 391. To make appropriations for the support and maintenance of the Walker County Junior College.

was read a third time at length and passed.

Yeas 30; Nays 2.

Yeas:

Messrs.:	Goodwin	Little	St. John	
Bailey	Gulledge	McDonald	Smith	
Callahan	Hall	Miller	Taylor	
Clemon	Harrison	Mitchem	Teague	
Cook	Higginbotham	Parsons	Vacca	
deGraffenried	Holmes	Pearson	Weeks	
Figures	Keener	Proctor	White	
Glass	Kirkland	Robertson		—30

Nays: Messrs.: Barron, Denton. —2

The Bill:

H. 392. To make appropriations for the support and maintenance of the Lyman Ward Military Academy for the fiscal year ending September 30, 1980.

was read a third time at length and passed.

Yeas 30; Nays 2.

Yeas:

Messrs.:	Cook	Goodwin	Higginbotham
Bailey	deGraffenried	Gulledge	Holmes
Callahan	Figures	Hall	Keener
Clemon	Glass	Harrison	Kirkland

Little	Parsons	St. John	Vacca	
McDonald	Pearson	Smith	Weeks	
Miller	Proctor	Taylor	White	
Mitchem	Robertson	Teague		—30

Nays: Messrs.: Barron, Denton. —2

CALENDAR BILLS INDEFINITELY POSTPONED

On motion of Mr. Pearson, consideration of the Bills, S. B.'s 295, 296, 297, 298, and 299, was indefinitely postponed by the Senate.

BILLS ON THIRD READING RESUMED

The Bill:

S. 590. To amend Section 25-4-5, Section 25-4-10, Section 25-4-16, Section 25-4-51, Section 25-4-70, Section 25-4-74, Section 25-4-78, Section 25-4-91, Section 25-4-113, Section 25-4-118, Section 25-4-134, Section 25-4-141 and Section 25-4-145, Code of Alabama 1975, as last amended, relating to the Alabama Unemployment Compensation Act so as to remove provisions covering certain participants in federally funded programs; to include back pay awards in the definition of wages, distribute over the period covered by the award and to describe the effect on the receipt of benefits; to clarify the period required for a reimbursing employer to become eligible to change method of financing benefit costs; to provide for succession of and by governmental entities, designate liability for resulting benefit costs and recovery of such costs from an abolished state agency; to provide a minimum advance payment rate for governmental employer and the procedure for appealing and assigned rate; to clarify the denial of benefit provisions for certain educational employees; to provide for the reduction of benefits by the amount of pensions or retirement pay as required by federal law to become effective after March 31, 1980; to permit reconsideration of claims after the end of a benefit year in case of false or misrepresented facts and procedures for appeal of such reconsideration; to provide employees immunity from civil suits for acts performed in their individual official capacity except for wanton or malicious conduct; to permit disclosure of information to public officials in performance of official duties; to correct a re-organization of procedures relating to collection of delinquent contributions made during compilation of the 1975 Code; to remove requirement for individual to testify even if testimony might be self-incriminating and to establish procedures for collection of overpayment of benefits.

was taken up.

The Standing Committee on Business and Labor Relations reported the following amendment to the Bill, S. B. 590, to-wit:

COMMITTEE AMENDMENT TO S. B. 590

Amend S. 590 as follows:

On page 21, Section 3, § 25-4-16(b)(1) by striking lines 30 and 31 and substituting there for

"respect to subdivisions (1) and (2) of subsection (a), subdivision (4) of subsection (b) and subsection (c) of Section 25-4-54 and Sections 25-4-71 through"

On page 29, Section 4, § 25-4-51(b)(2)b2 on line 25 after the word "payment" adding the following

"on or after October 1980"

On page 30, Section 4, § 25-4-51(b)(3) on line 19 by adding the following after the word "percent"

"for payments due on or after October 1980"

Which was adopted.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Glass	Holmes	Robertson	
Bailey	Goodwin	Kirkland	Smith	
Britnell	Gulledge	Little	Taylor	
Callahan	Hall	McDonald	Vacca	
Clemon	Harrison	Mitchem	Weeks	
Figures	Higginbotham			—21
Nays:				—0

And said Bill, S. B. 590, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 26; Nays 0.

Yeas:

Messrs.:	Figures	Holmes	Robertson	
Bailey	Glass	Kirkland	Smith	
Barron	Goodwin	Lemaster	Taylor	
Britnell	Gulledge	Little	Teague	
Callahan	Hall	McDonald	Vacca	
Clemon	Harrison	Mitchem	Weeks	
Cook	Higginbotham	Parsons		—26
Nays:				—0

Mr. Goodwin moved that the Senate reconsider the vote by which the Bill, S. B. 590, as amended, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

The Bill:

S. 589. To make a supplemental appropriation to certain cities and counties in order to compensate said cities and counties for the housing, maintenance and medical support of state prisoners.

was taken up.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, S. B. 589, to-wit:

COMMITTEE SUBSTITUTE FOR S. B. 589

A BILL
TO BE ENTITLED
AN ACT

To make a conditional appropriation to certain cities and counties in order to compensate said cities and counties for the housing, maintenance and medical support of state prisoners.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby conditionally appropriated, as is provided in Section 2 herein, from the state general fund two and one-half million dollars ($2,500,000) to be paid to the several cities and counties for the housing, maintenance and medical support of state prisoners being housed in city or county jails. Said amount shall be distributed to the several cities or counties on the basis of seventy-five cents ($.75) per day for each prisoner housed in city or county jails from the period beginning October 1, 1977 through September 30, 1979. Should said two and one-half million dollars ($2,500,000) be insufficient to pay the total sum based on the above stated ratio, then said amount shall be prorated in such a manner that the per prisoner per day monetary amount shall be the same in every city or county. Should said two and one-half million dollars ($2,500,000) be in excess of the amount that would be necessary to pay the reimbursement according to said seventy-five cents ($.75) per day ratio, then the surplus shall carry forward into the fiscal year beginning October 1, 1979 and the several cities or counties shall be reimbursed at the rate of fifty cents ($.50 per day per prisoner until such appropriation is totally expended.

Section 2. The appropriation provided in Section 1 herein shall be paid from the state general fund and is conditional upon the condizion of the state treasury and the approval of the Governor.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

On motion of Mr. Mitchem, said substitute was laid on the table.

Mr. Mitchem then offered the following substitute for the Bill, S. B. 589, to-wit:

SUBSTITUTE FOR S. B. 589

A BILL
TO BE ENTITLED
AN ACT

To make a conditional appropriation to certain counties in order to compensate said counties for the housing, maintenance and medical support of state prisoners.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby conditionally appropriated, as is provided in Section 2 herein, from the state general fund two and one-half million dollars ($2,500,000) to be paid to the several counties for the housing, maintenance and medical support of state prisoners being housed in county jails. Said amount shall be distributed to the several counties and paid into the county general fund on the basis of seventy-five cents ($.75) per day for each state and county prisoner housed in county jails from the period beginning October 1, 1977 through September 30, 1979. Should said two and one-half million dollars ($2,500,000) be insufficient to pay the total sum based on the above stated ratio, then said amount shall be prorated in such a manner that the per prisoner per day monetary amount shall be the same in every county. Should said two and one-half million dollars ($2,500,000) be in excess of the

amount that would be necessary to pay the reimbursement according to said seventy-five ($.75) per day ratio, then the surplus shall carry forward into the fiscal year beginning October 1, 1979 and the several counties shall be reimbursed at the rate of fifty cents ($.50) per day per prisoner until such appropriation is totally expended.

Section 2. The appropriation provided in Section 1 herein shall be paid from the state general fund and is conditional upon the condition of the state treasury and the approval of the Governor.

Section 3. The amounts to be expended under the provisions of this bill will be paid by the State Comptroller in the same manner as the food allowance is being paid to the several counties. Payments made for prisoners who were housed in county jails since October 1, 1977 will be based upon the same number of prisoner days that were used to reimburse the counties for food for the same time period.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 23; Nays 0.

Yeas:

Messrs.:	Denton	Kirkland	Smith
Bailey	Figures	Little	Taylor
Britnell	Goodwin	Mitchem	Teague
Callahan	Hall	Parsons	Vacca
Clemon	Harrison	Proctor	Weeks
Cook	Holmes	Robertson	White

—23

Nays: —0

And said Bill, S. B. 589, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Goodwin	Lemaster	Smith
Bailey	Hall	Little	Taylor
Britnell	Harrison	McDonald	Teague
Callahan	Higginbotham	Mitchem	Vacca
Cook	Keener	Parsons	Weeks
Denton	Kirkland	Robertson	White
Figures			

—24

Nays: —0

The Bill:

S. 324. To amend Sections 41-9-160, 41-9-161, 41-9-165, and 41-9-166, Code of Alabama 1975, regarding the state building code, so as to further

define certain terms, provide for an energy conservation code, to authorize political subdivisions to adopt the code, and to require compliance with the code.

was taken up.

The Standing Committee on Governmental Affairs reported the following substitute for the Bill, S. B. 324, to-wit:

COMMITTEE SUBSTITUTE FOR SENATE BILL 324

A BILL
TO BE ENTITLED
AN ACT

To amend Sections 41-9-160, 41-9-161, 41-9-165, and 41-9-166, Code of Alabama 1975, regarding the state building code, so as to further define certain terms, provide for an energy conservation code, to authorize political subdivisions to adopt the code, and to require compliance with the code.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 41-9-160, 41-9-161, 41-9-165 and 41-9-166, Code of Alabama 1975, are hereby amended to read as follows:

"§ 41-9-160.

"When used in this division, the following words and phrases shall have the following meanings, respectively, unless the context clearly indicates otherwise:

"(1) STATE BUILDING AND CONSTRUCTION. All buildings and other structures erected or acquired by or in behalf of the State of Alabama or any of its agencies or instrumentalities.

"(2) SCHOOLHOUSE. Any building or other structure erected or acquired by the public schools of Alabama and also shall mean any private building in which 25 or more persons are congregated regularly for the purpose of instruction in any branch of knowledge.

"(3) HOTEL. Any public inn or lodging house of 15 or more bedrooms, in which transient guests are lodged for pay.

"(4) MOVING PICTURE THEATRE. Any building in which moving pictures are featured regularly for charge of admission.

"(5) COMMISSION. The State Building Commission.

"(6) EXEMPTED BUILDING. Any of the following:

"(a) any building whose peak design rate of energy usage for heating, cooling, ventilation, and lighting is less than one watt or 3.4 British thermal units (BTU's) per hour per square foot of floor area for all purposes:

"(b) any building which is neither mechanically heated nor cooled;

"(c) any mobile home; and

"(d) any building owned or leased in whole or in part by the United States.

"(7) EXTERIOR ENVELOPE. Those elements of a building which enclose conditioned spaces through which thermal energy may be transferred to or from the exterior.

"(8) NEW BUILDING. Any building on which final design is commenced after the adoption of standards under this Act.

"(9) PUBLIC BUILDING. Any building which is open to the public during normal business hours, and is not an exempted building.

"(a) Any building which provides facilities or shelter for public assembly, or which is used for educational, office, or institutional purposes;

"(b) any inn, hotel, motel, sports arena, supermarket, transportation terminal, retail store, restaurant, or other commercial establishment which provides services or retails merchandise;

"(c) any portion of an industrial plant building used primarily as office space; and

"(d) any building owned by the state or a political subdivision or instrumentality thereof, including libraries, museums, schools, hospitals, auditoriums, sports arenas, and university buildings.

"(10) REMODELED BUILDING. A building undergoing alteration of the exterior envelope, heating, ventilation and air conditioning systems, water heating systems or lighting systems, for which the aggregate cost exceed fifty percent of the assessed value of the building immediately prior to such alteration.

§ 41-9-161

"For the further protection of the people of Alabama, the Building Commission is authorized and directed hereby to promulgate and to enforce a code of minimum building standards. The Any code adopted by the Building Commission under the provisions of this section, after having been recorded in the office secretary of state for 60 days, shall become effective.

"Because of the increasing scarcity of the traditional energy resources, which have been the foundation of Alabama's growth and well-being, said code shall contain provisions for an energy conservation code which regulates the thermal efficiency of the exterior envelope and climatic control of buildings and the efficiency of lighting design.

"The minimum energy standards for the code shall be at least as stringent as those designated as ASHRAE 90:75 by the American Society of Heating, Refrigerating and Air Conditioning Engineers.

"The Commission also shall cause the director to formulate and to implement guidelines for thermal efficiency standards applicable to all new and remodeled buildings, and lighting efficiency standards applicable to all new and remodeled public buildings.

"Political subdivisions shall adopt energy standards at least equivalent to the state standards and may adopt any or all of the parts or provisions of the state building code. The State Building Commission shall be that state agency responsible for keeping records concerning the implementation of said code or parts thereof, including energy standards, and shall certify the manner of implementation by the political subdivisions.

The Building Commission shall have the code a list of its adopted building code or codes printed suitably immediately subsequent to its filing and shall distribute promptly the printed copies thereof in the same manner as acts of the legislature are distributed; provided, however, that no charge be collected by the Building Commission for copies of the code listing and that any person shall be furnished a copy upon request.

"§ 41-9-165.

"The Building Commission is empowered to provide adequate inspection service to insure compliance with the building code for all buildings constructed or remodeled with state funds or funds from any other instrumentality of the state. Other agencies and instrumentalities of the state government are directed hereby to cooperate, as requested by the Commission in the enforcement of the building code. Local governing agencies adopting the code or any of its parts or standards under the provision of Section 41-9-166, Code of Alabama 1975, shall be responsible for its enforcement. The Commission may appoint, subject to the merit system, such persons, including architectural and technical employees, as are necessary for the duties hereby imposed.

"§ 41-9-166.

"Any municipality in the State of Alabama is empowered hereby to adopt the provisions of the building code as a municipal ordinance, enlarging the applicability thereof to include private buildings and structures other than private schoolhouses, hotels and moving picture houses as it deems necessary sections or provisions of the state building code and to enlarge the applicability thereof to include all private and public buildings. Upon adoption of the said code or any of its parts or provisions, it shall be the responsibility of the municipality to enforce and to prescribe penalties for violations thereof in the same manner in which other ordinances and related penalty provisions are adopted and prescribed.

Any county commission similarly may adopt and enlarge the applicability of the building code or any part thereof, for that portion of the county located outside the corporate limits and police jurisdiction of incorporated municipalities within the county, prescribing penalties for violations thereof, prescribing and collecting permit fees for the enforcement thereof, by resolution duly recorded in its minutes and, after notice of four weeks, by publication once weekly in some county newspaper, if there is one published in the county, and by posted notices at the door of each courthouse in the county. The county governing body may contract or agree with municipalities to enforce the building code within the corporate limits or police jurisdiction of the municipality.

"Changes in the provisions of the building code effected by the Building Commission may be adopted similarly by counties and municipalities.

"No county or municipality shall so apply the provisions of the building code to state buildings and construction of public schoolhouses.

"Nothing contained in this section shall be construed as requiring the advertising or posting of the code itself. The provisions of this section shall be satisfied by giving of notice that it is proposed to adopt a code."

Section 2. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part that remains.

Section 3. Repealer. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. Effective date. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

The Standing Committee on Governmental Affairs then reported the following amendment to the substitute for the Bill, S. B. 324, to-wit:

COMMITTEE AMENDMENT TO SUBSTITUTE FOR S. B. 324

Amend Senate Substitute for Senate Bill 324, on page 2, Section 1, sub-section 6, by adding the following new section:

"e. Any home constructed outside of established municipal boundaries by an individual for his personal dwelling using his personal construction skills and handiwork."

Which was adopted.

And said substitute, as thus amended, for the Bill, S. B. 324, was then adopted by the Senate.

Yeas 23; Nays 0.

Yeas:

Messrs.:	Denton	Lemaster	St. John	
Bailey	Figures	Little	Smith	
Britnell	Goodwin	Miller	Teague	
Callahan	Hall	Mitchem	Vacca	
Clemon	Harrison	Parsons	Weeks	
Cook	Higginbotham	Proctor	White	
				—23

Nays: —0

And said Bill, S. B. 324, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

Yeas:

Messrs.:	Cook	Higginbotham	Parsons	
Bailey	Denton	Little	Smith	
Britnell	Goodwin	McDonald	Teague	
Callahan	Gulledge	Miller	Vacca	
Clemon	Hall	Mitchem		—18

Nays: —0

The Bill:

S. 627. To amend Section 41-16-50 of the Code of Alabama, 1975, relating to awarding certain public contracts involving $2,000 or more, so as to further provide for circumstances under which the contract may be awarded to other than the lowest bidder; and to make the provisions of the act retroactive.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Goodwin	Little	Smith	
Bailey	Hall	Mitchem	Teague	
Britnell	Harrison	Parsons	Vacca	
Callahan	Higginbotham	Robertson	Weeks	
Cook	Holmes	St. John	White	
Denton	Lemaster			—21

Nays: —0

Mr. Bailey moved that the Senate reconsider the vote by which the Bill, S. B. 627, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

The Bill:

S. 535. Authorizing the county commission, or like governing body, of any county to borrow the necessary funds to operate the said county in the event the tax collector is unable to collect taxes; providing when such loans may be made, for the issuance of certificates covering such loans and for the pledge of uncollected taxes to pay such loans; prescribing the maximum interest rates applicable to such loans and the dates on which such loans would be payable; limiting the use of the proceeds of such loans; providing for the registration, payment, cancellation and exemption from taxation of such certificates; requiring each such county to comply with the debt limitation of Amendment 342 to the Constitution 1901, as amended; and repealing conflicting laws.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 0.

Yeas:

Messrs.:	Goodwin	Little	Smith	
Bailey	Gulledge	Miller	Teague	
Callahan	Hall	Mitchem	Vacca	
Cook	Harrison	Proctor	Weeks	
Denton	Holmes	Robertson	White	
Figures	Lemaster	St. John		—22

Nays: —0

The Bill:

H. 387. To provide that legislative appropriations for the fiscal year ending September 30, 1980 to the University of Alabama in Birmingham and the University of South Alabama are for the unrestricted support of the activities of the Universities and therefore insurance companies are prohibited from applying or taking into account in any manner any portion of those appropriations in determining reimbursement for patient care activities.

was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Goodwin	Lemaster	St. John
Britnell	Gulledge	Little	Smith
Callahan	Hall	McDonald	Taylor
Clemon	Harrison	Miller	Vacca
Denton	Higginbotham	Pearson	Weeks
Figures	Holmes	Proctor	White
Glass			

—24

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, and House Joint Resolution, your signature thereto is requested.

H. 388. To make appropriations for the support and maintenance of the Marion Military Institute.

Also:

H. 389. To make appropriations for the support and maintenance of the Tuskegee Institute.

Also:

H. 390. To make appropriations for the support and maintenance of the Talledega College.

Also:

H. 391. To make appropriations for the support and maintenance of the Walker County Junior College.

Also:

H. 392. To make appropriations for the support and maintenance of the Lyman Ward Military Academy for the fiscal year ending September 30, 1980.

Also:

H. J. R. 272. DENYING THE RECOMMENDATIONS OF THE JUDICIAL COMPENSATION COMMITTEE.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills and House Joint Resolution, the titles of which are set out in the foregoing Message from the House.

BILLS ON THIRD READING RESUMED

The Bill:

S. 242. Relating to primary elections; to amend Code of Alabama 1975, Section 17-16-6 so as to provide further for the date of holding primary elections in presidential election years; and to hold primary elections in any other year on the first Tuesday after the first Monday in May and the second primary five weeks thereafter; and to repeal Act No. 681, 1978 Regular Session (now appearing in Code of Alabama 1975, Chapter 18A) which provides for presidential preference primaries.

was taken up.

On motion of Mr. Goodwin, consideration of the Bill, S. B. 242, was postponed temporarily as Unfinished Business.

The Bill:

S. 150. To provide for a minimum salary for certain probate judges.

was taken up.

Mr. McDonald offered the following amendment to the Bill, S. B. 150, to-wit:

AMENDMENT TO S. B. 150

Amend S. 150 as follows:

On page one, Section 1, in line 19, after the word "salary", add the words:

and who serves as chairman of the county commission

and in lines 20 and 22 delete the figure "$25,000" and insert in lieu thereof the figure

$22,500

After line 22 add a new section as follows:

Section 2. No probate judge who is on a salary and who does not serve as chairman of the county commission shall receive a salary that is less than $20,000 per year. This Act in no way affects such probate judges earning more than $20,000 per year.

Renumber subsequent sections accordingly.

In Section 2, line 24, delete the figure "$25,000" and insert in lieu thereof the figure: $22,500

and add the following:

or $20,000

and in line 25 after the word "year" add the following:

, as the case may be,

Which was adopted.

Yeas 15; Nays 4.

Yeas:

Messrs.:	Goodwin	Mitchem	Teague
Callahan	Gulledge	Proctor	Vacca
Cook	Hall	St. John	Weeks
Glass	McDonald	Taylor	White

—15

Nays: Messrs.: Barron, Britnell, Denton, Little. —4

And said Bill, S. B. 150, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 5.

Yeas:

Messrs.:	Hall	Mitchem	Smith
Callahan	Harrison	Parsons	Teague
Clemon	Little	Pearson	Vacca
Cook	McDonald	Proctor	Weeks
Goodwin	Miller	St. John	White
Gulledge			

—20

Nays: Messrs.: Barron, Britnell, Denton, Holmes, Taylor. —5

The Bill:

H. 226. To provide a procedure for cancelling shares of a corporation which have been purchased or reacquired by it and for reducing stated capital by the amount represented by the shares, the effect of which will be to provide a procedure for restoring treasury shares to the status of authorized but unissued shares.

was taken up.

Mr. St. John offered the following amendment to the Bill, H. B. 226, to-wit:

AMENDMENT TO H. B. 226

Amend House 226 by deleting the word "by" from Line 13 on Page 2 of the bill and insert in lieu thereof the word "but".

Which was adopted.

Yeas 16; Nays 0.

Yeas:

Messrs.:	Gulledge	McDonald	Proctor
Cook	Harrison	Miller	St. John
Figures	Holmes	Mitchem	Smith
Glass	Little	Parsons	White
Goodwin			

—16

Nays: —0

And said Bill, H. B. 226, as thus amended, was read a third time at length and passed.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Gulledge	Miller	St. John	
Callahan	Harrison	Mitchem	Smith	
Cook	Holmes	Parsons	Vacca	
Denton	Kirkland	Proctor	Weeks	
Figures	Lemaster	Robertson	White	
Goodwin	Little			—21

Nays: —0

CALENDAR BILL INDEFINITELY POSTPONED

On motion of Mr. St. John, consideration of the Bill, S. B. 33, was indefinitely postponed by the Senate.

MOTION IN WRITING

Mr. Glass offered the following Motion in Writing, to-wit:

I move to carry over the following bills temporarily:

S. 20

S. 343

S. 476

S. 190

S. 340

S. 381

S. 354

S. 580

S. 543

S. 500

S. 521

S. 577

S. 382

S. 356

S. 512

S. 178

S. 245

S. 358

S. 387

S. 193

S. 328

S. 368

S. 86

S. 338

H. 157

S. 397

H. 24

S. 451

S. 490

S. 27

S. 151

Mr. White moved that said Motion in Writing be laid on the table, which motion was lost.

Yeas 3; Nays 21.

Yeas: Messrs.: McDonald, Teague, White. —3

Nays:

Messrs.:	Goodwin	Little	St. John
Bailey	Gulledge	Miller	Smith
Barron	Hall	Mitchem	Taylor
Callahan	Higginbotham	Parsons	Vacca
Denton	Holmes	Robertson	Weeks
Glass	Lemaster		—21

And said Motion in Writing was then adopted by the Senate.

BILLS ON THIRD READING RESUMED

The Bill:

S. 596. To provide further appropriations totaling $12 million to the Medicaid Program for the current fiscal year of 1978-79, said fiscal year ending on September 30, 1979.

was taken up.

The Standing Committee on Finance and Taxation reported the following amendment to the Bill, S. B. 596, to-wit:

COMMITTEE AMENDMENT TO S. B. 596

Amend Senate Bill 596 by deleting the figure "$12,000,000" on line 22 and substitute in lieu thereof the following:

"$6,000,000.

also $3,000,000 to be conditional on the condition of the General Fund and the approval of the Governor."

On motion of Mr. Glass, further consideration of the Bill, S. B. 596 and pending amendment was postponed until the next Legislative Day as the second order of Unfinished Business.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Brakefield:

H. 942. To provide for a plan of insurance relating to property and homeowner-type coverage so as to provide for the equitable distribution of certain applicants among licensed insurance companies in this state.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 942. To the Committee on Banking and Insurance.

BILLS ON THIRD READING RESUMED

The Bill:

S. 20. To amend and reenact Act No. 87, S. 40, 1971, Third Special Session, (Acts of 1971, p. 4299, now appearing in Code of Alabama, Recompiled 1975, Title 16-46-1 through 16-46-10), relating to the regulation of certain schools and courses of instruction publicized, sold, offered for sale, and administered to residents of this state; so as to further regulate such schools and courses of instruction and to provide for funding.

was taken up.

Mr. Harrison offered the following amendment to the Bill, S. B. 20, to-wit:

AMENDMENT TO S. B. 20

Amend Senate Bill 20 as follows:

On page 5, line 11, add the following:

(11) Any resident private school conducting resident courses whose principal base of operation is within the State of Alabama which has been in continuous operation for 20 years or more as of September 1, 1979, and that held accreditation as of September 1, 1979 by a national recognized accrediting agency recognized by the United States Office of Education or the council on postsecondary accreditation.

Mr. Teague offered the following substitute amendment for the Harrison amendment to the Bill, S. B. 20, to-wit:

SUBSTITUTE AMENDMENT FOR HARRISON AMENDMENT TO S. B. 20

Add the following paragraph to Title 16-46-3.

"(11) Resident schools which have been in continuous operation within the State of Alabama for a period of twenty (20) years or more prior to the effective date of this act."

Mr. Harrison moved that said substitute amendment be laid on the table, which motion was lost.

And said Teague substitute amendment to the Harrison amendment was then adopted.

And said Harrison amendment, as thus amended by the Teague amendment to the Bill, S. B. 20, was then adopted by the Senate.

Yeas 20; Nays 0.

Abstaining 1.

Yeas:

Messrs.:	Harrison	McDonald	Smith	
Britnell	Holmes	Miller	Taylor	
Callahan	Kirkland	Mitchem	Teague	
Clemon	Lemaster	Parsons	Vacca	
Cook	Little	Proctor	White	
Figures				—20

Nays: —0

Abstaining: Mr. Robertson. —1

And said Bill, S. B. 20, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 0.

Yeas:

Messrs.:	Glass	McDonald	Smith	
Britnell	Goodwin	Miller	Taylor	
Callahan	Hall	Mitchem	Teague	
Cook	Higginbotham	Parsons	Vacca	
Denton	Holmes	Proctor	White	
Figures	Little	Robertson		—22

Nays: —0

The Bill:

S. 343. Amending ALA. CODE § 6-10-123 (1975) to provide that for any waiver of exemption rights to be enforceable, the party asserting such a waiver in a civil action must plead and, if controverted, prove by a preponderance of the evidence presented that the party against whom waiver is asserted did so with actual knowledge of their exemption rights and of the existence of any provision for waiver contained in the instrument relied upon by the party asserting waiver, prior to his or her execution thereof.

was taken up.

The Standing Committee on Judiciary reported the following amendment to the Bill, S. B. 343, to-wit:

COMMITTEE AMENDMENT TO S. B. 343

Amend Senate Bill No. 343, page 1, line 36 and continuing on page 2, line 3, by striking out the words "by a preponderance of the evidence presented" after the word "establishes" and substituting therefor the following language: "to the reasonable satisfaction of the trier of fact".

Which was adopted.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Goodwin	Lemaster	Smith	
Bailey	Gulledge	Miller	Taylor	
Clemon	Hall	Mitchem	Teague	
Cook	Higginbotham	Parsons	Vacca	
Denton	Holmes	Proctor	White	
Figures	Keener			—21

Nays: —0

And said Bill, S. B. 343, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

Yeas:

Messrs.:	Denton	Miller	Taylor	
Bailey	Figures	Mitchem	Teague	
Callahan	Gulledge	Parsons	Vacca	
Clemon	Hall	Proctor	White	
Cook	Holmes	Smith		—18

Nays: —0

The Bill:

S. 476. Relating to soil surveys; to provide for accelerating the soil survey in Alabama so that soil mapping, classification, and interpretation may be completed in 10 years, and to make an appropriation for this purpose.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 23; Nays 0.

Yeas:

Messrs.:	Cook	Holmes	Robertson	
Bailey	Denton	Kirkland	Smith	
Barron	Goodwin	Lemaster	Taylor	
Britnell	Gulledge	Little	Teague	
Callahan	Hall	Miller	Vacca	
Clemon	Higginbotham	Proctor	White	
				—23

Nays: —0

The Bill:

S. 190. To make a conditional appropriation from the Alabama Special Educational Trust Fund in the State Treasury to the Cleburne County Board of Education for capital outlay purposes only for the construction and renovation of high schools in Cleburne County.

was taken up.

Messrs. Holmes, Little, Denton, and Higginbotham offered the following substitute for the Bill, S. B. 190, to-wit:

SUBSTITUTE FOR SENATE BILL 190

A BILL
TO BE ENTITLED
AN ACT

To make a conditional appropriation from the Alabama Special Educational Trust Fund in the State Treasury to the Cleburne, Chambers and Colbert County Boards of Education for capital outlay purposes only for the construction and renovation of high schools in Cleburne, Chambers and Colbert Counties.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated to the Cleburne, Chambers and Colbert County Boards of Education from the Alabama Special Educational Trust Fund in the state treasury for the fiscal year ending September 30, 1980, the sum of $500,000 dollars for each respective board mentioned for capital outlay purposes only for the construction and renovation of high schools in Cleburne, Chambers and Colbert Counties. This appropriation shall be conditional upon the condition of the Alabama Special Educational Trust Fund and approval by the Governor. If this appropriation is approved and released by the Governor during the fiscal year provided above, it shall continue in full force and effect from year to year until said project is completed and shall not revert at the end of any fiscal year.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Denton	Kirkland	Robertson	
Bailey	Figures	Little	Smith	
Barron	Goodwin	Miller	Taylor	
Britnell	Gulledge	Mitchem	Teague	
Callahan	Higginbotham	Parsons	Vacca	
Clemon	Holmes	Proctor	White	
Cook				—24

Nays: —0

And said Bill, S. B. 190, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 27; Nays 0.

Yeas:

Messrs.:	Denton	Holmes	Robertson
Bailey	Figures	Kirkland	Smith
Barron	Glass	Lemaster	Taylor
Britnell	Goodwin	Little	Teague
Callahan	Gulledge	Miller	Vacca
Clemon	Hall	Parsons	Weeks
Cook	Higginbotham	Proctor	White

—27

Nays: —0

Mr. Callahan moved that the Senate reconsider the vote by which the Bill, S. B. 190, as amended, was passed.

On motion of Mr. Holmes, the motion to reconsider was laid on the table.

The Bill:

S. 340. To provide for an income tax credit on state income tax liability for certain expenditures made by individual taxpayers to utilize solar energy.

was taken up.

Mr. Smith offered the following substitute for the Bill, S. B. 340, to-wit:

SUBSTITUTE FOR S. B. 340

A BILL
TO BE ENTITLED
AN ACT

To provide for an income tax credit on state income tax liability for certain expenditures made by individual taxpayers to utilize solar energy.

Be It Enacted by the Legislature of Alabama:

Section 1. The following percentages of the solar energy expenditures made by an individual taxpayer shall be allowed as a credit against the tax imposed by Section 40-18-2 of the Code of Alabama 1975.

after	and before	Percentage
May 3, 1979	January 1, 1981	25
December 31, 1980	January 1, 1982	20
December 31, 1981	January 1, 1983	15
December 31, 1982	January 1, 1984	10
December 31, 1983	January 1, 1985	5
December 31, 1984		0

Section 2. When used in this act and except where the context prohibits, the following words and terms shall have the following meanings:

(1) "Solar energy expenditures" means the total costs (including the cost of labor performed by others) paid by a taxpayer in purchasing, installing, assembling or constructing one or more solar energy devices or systems. "Solar energy expenditure" does not include any interest or financing charges incurred in acquiring solar energy devices or systems.

(2) "Solar energy devices or systems" means devices or systems which utilize solar energy to heat or cool a single family residence or to heat water for use in a single family residence. "Solar energy devices or systems" does not include conventional supplemental conversion systems or distribution systems connected to such systems.

(3) "Devices or systems" includes the means of collecting solar radiation, transporting and storing the energy so collected and withdrawing such energy from the storage medium for heating or cooling a single family residence or heating water for use in a single family residence. "Devices or systems" also includes controls which are necessary to the effective operation of the device or system. "Devices or systems" does not include any part of the cost of a swimming pool which may be used as an energy storage medium. Except as provided in subparagraph (4), "devices and systems" does not include passive techniques of solar utilization such as Trombe walls, clerestories, thermal masses, or direct gain windows.

(4) A greenhouse which is attached to a single family residence and which is designed to effectively collect and store solar energy and to transmit such energy to the living space of the single family residence shall be considered a device or system. Components of the greenhouse which serve purposes other than collecting, storing and transmitting energy to the single family residence shall not qualify for the credit provided by section 1.

(5) Utilizing solar energy does not include utilizing solar energy as transformed into other forms such as wind energy, wood, the force of falling water, or the products of decomposition of vegetable matter.

(6) "Single family residence" means a residential unit which is owned and occupied by the taxpayer as his principal residence and which is located in the State of Alabama.

Section 3. (a) The credit allowed by section 1 shall not exceed $1000 with respect to all the solar energy systems and devices incorporated into, attached to , or used in any single family residence by the taxpayer.

(b) No credit shall be allowed under section 1 unless the original use of the solar energy device or system commences with the taxpayer.

Section 4. (a) In the case of a multiple residence structure (such as a condominium, townhouse, or duplex), any unit owned and occupied by a taxpayer as his principal residence shall be considered a single family residence. Any taxpayer who is treated as the owner of a single family residence by reason of this subsection shall be entitled to a credit under section 1 for the solar energy expenditures with respect to the structure which are attributable to the residential unit occupied by such taxpayer.

(b) In the case of solar energy devices and systems, attached to, installed, assembled or constructed in a new single family residence by a contractor, the first purchaser of such single family residence who occupies it

as his principal place of residence may qualify for the credit to the extent that the additional cost of the single family residence attributable to solar energy devices or systems would have constituted solar energy expenditures if made by the taxpayer.

(c) In the case of a single family residence owned by a husband and wife as joint tenants, each spouse shall be entitled to a portion of the credit allowed by section 1 proportional to the amount of the solar energy expenditures contributed by such spouse. The total credit allowed both spouses shall not exceed $1000.

Section 5. If the amount of credit available to a taxpayer during any year exceeds the taxpayer's liability for the tax imposed by Section 40-18-2 of the Code of Alabama 1975 for the year, the excess shall be treated as a credit arising in the next succeeding taxable year of the taxpayer until exhausted.

Section 6. (a) The credit provided by this section shall be allowed only for solar energy devices or systems which satisfy performance and quality standards adopted by the Department of Revenue in coordination with Alabama Solar Energy Center. Such performance standards shall require, as a minimum, that the collectors of active systems be tested in accordance with the standards specified by the American Society of Heating, Refrigeration and Air Conditioning Engineers in ASHRAE 93-77 by a laboratory certified by an agency recognized by the United States Department of Energy. Attached greenhouses must be designed and constructed according to practices which are generally accepted for achieving optimum energy production and durability. The certified test results of a summary thereof demonstrating compliance with the previous sentence must be provided to the taxpayer. The quality standards adopted by the Department of Revenue shall require, as a minimum, compliance with applicable building codes.

(b) The standards which are required by subsection (a) of this section shall be adopted or modified by the Department of Revenue only after giving notice to interested persons, and affording interested persons a reasonable opportunity to comment on the proposed standards.

(c) Each return claiming a credit under this section shall be accompanied, in the case of an active system, by a copy of the certified test results required by subparagraph (1) or a summary thereof, or in the case of an attached greenhouse, a drawing and description demonstrating the greenhouse's ability to collect, store and transmit energy.

Section 7. An expenditure shall be treated as made when paid by the taxpayer.

Section 8. The allowance of a credit pursuant to section 1 shall not affect the basis (as determined under Section 40-18-6 of the Code of Alabama 1975) of any solar energy device or system or any single family residence in which such device or system is used, assembled, installed or constructed or to which a greenhouse qualifying under subsection 2 (4) is attached.

Section 9. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 10. All laws or parts of laws which conflict with this act are hereby repealed.

Section 11. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 22; Nays 1.

Yeas:

Messrs.:	Figures	Little	Robertson	
Bailey	Glass	McDonald	Smith	
Britnell	Gulledge	Miller	Taylor	
Callahan	Holmes	Mitchem	Vacca	
Clemon	Kirkland	Parsons	Weeks	
Denton	Lemaster	Proctor		—22

Nay: Mr. Barron. —1

And said Bill, S. B. 340, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 23; Nays 1.

Yeas:

Messrs.:	Figures	Lemaster	Proctor	
Bailey	Gulledge	Little	St. John	
Britnell	Hall	McDonald	Smith	
Callahan	Higginbotham	Miller	Taylor	
Clemon	Holmes	Mitchem	Vacca	
Denton	Kirkland	Parsons	Weeks	
				—23

Nay: Mr. Barron. —1

By unanimous consent, Mr. Callahan's name was added as co-sponsor of the above Bill.

Mr. Smith moved that the Senate reconsider the vote by which the Bill, S. B. 340, as amended, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

The Bill:

S. 381. To amend section 12-17-61, Code of Alabama 1975, relating to the number of district court judges in each district, so as to provide two resident district judges for Marshall county and to provide for the initial appointment of the additional judge and prescribe the duties, powers and authority of such judge.

was taken up.

Mr. Mitchem offered the following substitute for the Bill, S. B. 381, to-wit:

SUBSTITUTE FOR S. B. 381

A BILL
TO BE ENTITLED
AN ACT

To amend section 12-17-61, Code of Alabama 1975, relating to the number of district court judges in each district, so as to provide two resident district judges for Marshall county and to provide for the initial appointment of the additional judge and prescribe the duties, powers and authority of such judge, and to provide the funding therefor.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 12-17-61, Code of Alabama 1975, is hereby amended to read as follows:

"§ 12-17-61. Each county shall constitute a district and shall have one resident district judge, except that:

"(1) Baldwin, Madison, Etowah, Marshall, Morgan, Talladega and Walker counties shall each have two resident district judges.

"(2) Montgomery county shall have three resident district judges.

"(3) Mobile county shall have four resident district judges.

"(4) Jefferson county shall have 12 resident district judges, who shall be nominated and elected in the manner provided by law for the nomination and election of circuit judges in the county. Three of such district judges shall serve in the Bessemer division and nine shall serve in the Birmingham division."

"(5) Calhoun and Cleburne counties shall constitute a district and shall have three resident district judges who shall be elected and run at large from both counties."

"(6) Coosa and Clay counties shall constitute a district and shall have one resident district judge who shall be elected and run at large from both counties."

Section 2. The initial appointment to fill the additional judgeship created by this amendatory act shall be made as provided by section 6.14 of Amendment No. 328 to the Constitution of Alabama of 1901 and the additional judge shall possess all of the qualifications and shall exercise all of the jurisdiction, powers, duties, rights, authority and limitations of other district court judges of this state.

Section 3. There is hereby appropriated to the Unified Judicial System the sum of $45,720 from the General Fund for the fiscal year beginning October 1, 1979.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 22; Nays 0.

Yeas:

Messrs.:	Figures	Little	Smith	
Bailey	Gulledge	Miller	Taylor	
Britnell	Hall	Mitchem	Vacca	
Callahan	Higginbotham	Proctor	Weeks	
Clemon	Holmes	Robertson	White	
Denton	Kirkland	St. John		—22

Nays: —0

And said Bill, S. B. 381, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 0.

Yeas:

Messrs.:	Figures	Little	Smith	
Bailey	Gulledge	Miller	Taylor	
Britnell	Hall	Mitchem	Vacca	
Callahan	Higginbotham	Parsons	Weeks	
Clemon	Holmes	Proctor	White	
Denton	Kirkland	St. John		—22

Nays: —0

The Bill:

S. 354. To amend Sections 36-32-1, 36-32-5 and 36-32-7 of the Code of Alabama 1975, relating to the fire fighters' personnel standards and education commission, so as to provide for the inclusion of fire-fighting districts in the classification of fire-fighting agency; to include paid employees of fire-fighting agencies classified as rescue unit personnel and paramedics as well as fire inspectors and investigators in the classification of fire-fighting personnel; to provide for certain exemptions relating to employment; to further prescribe standards for fire-fighting personnel; and to provide for testing and certification of fire-fighting personnel, both paid and volunteer, by the commission.

was taken up.

The Standing Committee on Governmental Affairs reported the following amendment to the Bill, S. B. 354, to-wit:

COMMITTEE AMENDMENT TO S. B. 354

Amend Senate Bill 354, on page 5, line 12, by deleting the period and the remainder of line 12.

Further amend Senate Bill 354 on page 5, line 13, by capitalizing the word "Volunteer" and omitting the period and quotes on line 13 and add the following:

"upon request only."

Which was adopted.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Figures	Little	St. John	
Bailey	Harrison	Miller	Smith	
Britnell	Holmes	Mitchem	Taylor	
Clemon	Kirkland	Parsons	Weeks	
Denton	Lemaster	Proctor	White	
				—19

Nays: —0

And said Bill, S. B. 354, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Figures	Little	St. John
Bailey	Harrison	Miller	Smith
Britnell	Holmes	Mitchem	Taylor
Clemon	Kirkland	Parsons	Weeks
Denton	Lemaster	Proctor	White

—19

Nays: —0

The Bill:

S. 580. To further provide for a fuel adjustment clause for motor fuels on contracts between the State Highway Department and private contractors.

was taken up.

Mr. Kirkland offered the following substitute for the Bill, S. B. 580, to-wit:

SUBSTITUTE FOR S. B. 580

A BILL
TO BE ENTITLED
AN ACT

To require the Highway Department to adjust pending and future contracts with private contractors to take into consideration rising motor fuel costs; and to require the Highway Department to make retroactive payments.

WHEREAS, the economy of our nation is severely threatened by a combination of diminished supplies of motor fuels and escalating cost of said fuels; and

WHEREAS, the cost of motor fuel has greatly increased over cost estimates made in the past; and

WHEREAS, motor fuel is a major expense incurred by a private contractor working for the Highway Department; and

WHEREAS, it is morally unfair and unjust to hold private contractors to pre-energy crisis cost estimates; now therefore,

Be It Enacted by the Legislature of Alabama:

Section 1. The Highway Department shall review all pending and future contracts with private contractors and shall adjust the compensation specified in said contracts to take in consideration the difference in the cost of fuel at the signing date of the contract and the current cost of fuel. The Highway Department shall make said adjustment payments retroactively.

Section 2. The Highway Department shall have authority to implement all necessary rules and regulations to implement the purpose of this act.

Section 3. For the purpose of defining certain terms in this act, "pending contracts" shall mean those contracts in which work is currently underway and shall not apply to contracts which have been completed nor to contracts which are completed but awaiting payment of the final estimate.

Section 4. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Figures	Little	St. John
Bailey	Harrison	Miller	Smith
Britnell	Holmes	Mitchem	Taylor
Clemon	Kirkland	Parsons	Weeks
Denton	Lemaster	Proctor	White

—19

Nays: —0

And said Bill, S. B. 580, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Figures	Little	St. John
Bailey	Harrison	Miller	Smith
Britnell	Holmes	Mitchem	Taylor
Clemon	Kirkland	Parsons	Weeks
Denton	Lemaster	Proctor	White

—19

Nays: —0

The Bill:

S. 543. To provide for the examination of persons to be employed in the public schools; for this purpose to amend Section 16-23-1 of the Code of Alabama 1975 to provide that certain persons to be employed in the public schools shall take the National Teachers' examination or a comparable standardized test determined by the state board of education and score at least a minimum score to be set by the state board of education before certification; to provide for the scope of testing; to provide for the use of certain previous test scores; and to give the state board of education the authority to provide rules and regulations necessary to carry out the provisions of this act.

was taken up.

On motion of Mr. Weeks, consideration of the Bill, S. B. 543, was postponed temporarily.

The Bill:

S. 500. To amend Section 2, Subsection III (a) (9) (c) of Act No. 597, H. 244 of the 1978 Regular Session, which act makes appropriations from various funds of the State for the ordinary expenses of the executive, legislative and judicial functions of government for the fiscal year ending September 30, 1979, so as to increase the A. B. C. Board appropriation in the Administrative Services Program by $1,000,000.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Figures	Little	St. John
Bailey	Harrison	Miller	Smith
Britnell	Holmes	Mitchem	Taylor
Clemon	Kirkland	Parsons	Weeks
Denton	Lemaster	Proctor	White

—19

Nays: —0

The Bill:

S. 521. To create the Alabama Health Care Responsibility Act; providing legislative intent, providing definitions; providing that ultimate financial responsibility for the cost of treatment of a patient certified to be indigent, who is a resident of one county but receives services from a hospital in another county, shall be placed with the county of which the patient is a resident; providing limitations on such responsibility; providing that the Department of Pensions and Security shall adopt rules for certifying patients as indigent; requiring hospitals to admit certified indigents under certain conditions; providing that disputes between hospitals and counties shall be resolved by action in the circuit court of the county in which the regional referral hospital is located and providing an effective date.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Figures	Little	St. John
Bailey	Harrison	Miller	Smith
Britnell	Holmes	Mitchem	Taylor
Clemon	Kirkland	Parsons	Weeks
Denton	Lemaster	Proctor	White

—19

Nays: —0

The Bill:

S. 577. To authorize any county board of education and any city board of education to borrow money in anticipation of the issuance of warrants authorized to be issued under either Article 4 or Article 5 of Chapter 13 of

Title 16 of the CODE OF ALABAMA 1975 for use for any of the purposes described in said Articles and in evidence thereof to issue warrant anticipation notes maturing not later than eighteen months from the date of issue and bearing a rate of interest not exceeding eight percent per annum, to provide for payment of such warrant anticipation notes from the principal proceeds from the sale of the warrants with respect to which such notes are issued and from the tax proceeds which the issuing board may pledge to the payment of such warrants, to provide that such warrant anticipation notes may be refunded, extended or renewed by other warrant anticipation notes maturing not more than eighteen months from the date of maturity of the warrant anticipation notes then outstanding, subject to the approval of the state superintendent of education, to provide that such warrant anticipation notes may be sold at public or private sale, subject to the approval of the state superintendent of education, to provide that the board of education proposing to issue said notes shall have received the approval of the state superintendent of education, to provide that all warrant anticipation notes, all interest paid thereon, and all income derived therefrom shall be exempt from all state, county, municipal and other taxation under the laws of Alabama, and to provide that such warrant anticipation notes are proper legal investments.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Figures	Little	St. John
Bailey	Harrison	Miller	Smith
Britnell	Holmes	Mitchem	Taylor
Clemon	Kirkland	Parsons	Weeks
Denton	Lemaster	Proctor	White

—19

Nays: —0

The Bill:

S. 382. To provide for the establishment and maintenance of a state program of abandoned mine reclamation in compliance with Title IV of Public Law 95-87, 95th U. S. Congress, the "Surface Mining Control and Reclamation Act of 1977;" to express legislative intent; to designate The Department of Industrial Relations as the administrative agency for such program; to provide for an annual application procedure by the Director of Industrial Relations to the Secretary of the United States Department of Interior for the continued support of such state program; to implement specific reclamation projects; to provide for right of entry; to provide for the acquisition and reclamation of certain land adversely affected by past coal mining practices; to provide that the state shall have a lien on certain restored or reclaimed lands; to create a special fund in the state treasury to implement the provisions of this Act; to provide for expenditures from said fund and for the annual reporting of the operations of such fund; to provide certain powers to the Director of Industrial Relations relative to the provisions of this Act; and to provide for intergovernmental cooperation in the implementation of this Act.

was taken up.

On motion of Mr. Hall, consideration of the Bill, S. B. 382, was postponed until the next Legislative Day as the third order of Unfinished Business.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bills:

H. 286. Proposing an amendment to the Constitution of 1901, as amended, so as to create an additional probate judgeship in Jefferson County.

Also:

H. 876. To amend Act No. 107 adopted February 14, 1956, as amended by Act No. 155, adopted August 2, 1957, as amended by Act No. 455, approved September 6, 1957, as amended by Act No. 235, approved August 15, 1963, such original Act creating and providing for in the City of Prichard, Alabama, a special fund to be known as the Municipal Employees Pension and Relief Fund. In addition to the provisions already enacted, this amendment amends Section IX by changing in Section IX the payments of monthly benefits from one (1) year to five (5) years and amends Section X dealing with employees while performing their duties becomes or is found to be physically, mentally or permanently disabled to be retired and to be paid from the said fund a sum equal to sixty per cent (60%) of his or her compensation as provided in said Section X. This Amendment deletes from said Section X the five (5) year period for which said retirement shall be payable.

Also:

H. 870. Relating to Bibb County; establishing a bi-unit road maintenance, repair and construction system; providing for two shop and storage yards; providing for the construction, maintenance and repair of public roads, highways, bridges, ferries and certain driveways under the county bi-unit system; authorizing and requiring the county governing body to employ and regulate the compensation of a county engineer; providing for the manner of selecting said engineer; prescribing his qualifications and requiring bond; defining his authority, powers and duties and those of the county governing body in relation to the roads, bridges and ferries of Bibb County; providing for compensation to be paid to county officers, employees and laborers; and providing for a referendum.

Also:

H. 153. Relating to Jefferson County; to amend Act No. 261, H. 1462, Regular Session, 1975, (Acts of 1975, p. 795) an act fixing supplemental salaries for each District Court Judge in Jefferson County, Alabama.

Also:

H. 182. To amend Section 6-5-390, Code of Alabama 1975, so as to provide that a mother, as well as the father, may sue in behalf of her minor child.

Also:

H. 830. Relating to Calhoun County; to repeal Act No. 610, Acts of Alabama, Regular Session 1978, Relating to the offices of the tax assessor, tax collector, license commissioner, probate judge and coroner in Calhoun County; to authorize the tax assessor to appoint a deputy tax assessor; to

authorize the tax collector to appoint a deputy tax collector; to authorize the coroner to appoint a deputy coroner; to establish the duties of such deputies; and to prescribe the respective salaries to be fixed by the county commission.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Gafford and Carter:

H. 574. To repeal Act No. 596, H. 778, 1977 Regular Session (Acts 1977, p. 797), entitled, "An Act To create the office of governor's councillor; to prescribe the duties and functions of such officer and to regulate and provide for payment of his compensation; and to give the provisions of this act retroactive effect"; providing that the provisions of said Act 596 shall continue to apply to persons covered by its provisions prior to January 1, 1980.

Also:

By Reps. Cates, McCorquodale, Smith (C), Moore, Sasser, Owens, Edwards, Coburn, Turnham, Holley, Carothers, Williams, Warren, Whatley, Manley, Smith (M), McMillan, Penry, Hammett, Naramore, Waggoner, Daniels, Kelley, Shoemaker, Johnson (R. G.), Minus and Adams (C):

H. 793. Relating to soil surveys; to provide for accelerating the soil survey in Alabama so that soil mapping, classification, and interpretation may be completed in 10 years, and to make a conditional appropriation for this purpose.

Also:

By Reps. Bennett and Amari:

H. 309. To amend Section 17-6-1 of the Code of Alabama 1975 relating to election officers so as to exclude members of a candidate's immediate family or any member of a candidate's political committee as prescribed by Section 17-22-5 of the Code of Alabama 1975 from serving as poll workers or election officials.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 574 and 309. To the Committee on Governmental Affairs.

H. B. 793. To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Minus:

H. 319. To amend Section 40-17-171 of the Code of Alabama 1975, relating to the levy of excise taxes on oils, greases or substitutes, so as to exempt certain sales of lubricating oil destined for out-of-state use from such taxes.

Also:

By Rep. Minus:

H. 320. To amend Section 40-23-4 of the Code of Alabama 1975, as amended, which relates to exemptions from state sales taxes so as to exempt certain sales of lubricating oil destined for out-of-state use from such taxes.

Also:

By Reps. Hines and Harper (T):

H. 814. To indemnify the commissioner of the board of corrections, deputy commissioners, members of the board of corrections, and other offices, employees and agents of the board of corrections for acts arising out of and performed in connection with their official duties in behalf of the state of Alabama.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 319 and 320. To the Committee on Finance and Taxation.

H. B. 814. To the Committee on Judiciary.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Willis, Campbell and Crow:

H. 553. Relating to all cities having populations of not less than 6,000 nor more than 11,999 inhabitants according to the 1970 or any subsequent federal decennial census which have held an advisory referendum election in which the electors have expressed a preference for the election of the city board of education; to provide for the election and tenure of members of the city board of education of any such cities.

Also:

By Rep. Stewart:

H. 206. Relating to the regulation of the practice of podiatry in Alabama; further amending certain definitions and adding another definition; amending the make up of the State Board of Podiatry; amending the requirements for the renewal of licenses; amending Sections 34-24-230, 34-24-250, and 34-24-275, Code of Alabama, 1975.

Also:

By Reps. Venable and Wyatt:

H. 791. To amend Section 36-27-21.1, Code of Alabama 1975, which provides a cost-of-living increase to certain retired persons so as to allow counties and municipalities to elect to come under the provisions of the plan at the beginning of any fiscal year.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 553. To the Committee on Education.

H. B. 206. To the Committee on Health and Welfare.

H. B. 791. To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 692. To provide that persons now residing in nursing homes and permanently disabled persons confined to home in Mobile County may register to vote by mail.

Also:

H. 876. To amend Act No. 107 adopted February 14, 1956, as amended by Act No. 155, adopted August 2, 1957, as amended by Act No. 455, approved September 6, 1957, as amended by Act No. 235, approved August 15, 1963, such original Act creating and providing for in the City of Prichard, Alabama, a special fund to be known as the Municipal Employees Pension and Relief Fund. In addition to the provisions already enacted, this amendment amends Section IX by changing in Section IX the payments of monthly benefits from one (1) year to five (5) years and amends Section X dealing with employees while performing their duties becomes or is found to be physically, mentally or permanently disabled to be retired and to be paid from the said fund a sum equal to sixty per cent (60%) of his or her compensation as provided in said Section X. This Amendment deletes from said Section X the five (5) year period for which said retirement shall be payable.

Also:

H. 286. Proposing an amendment to the Constitution of 1901, as amended, so as to create an additional probate judgeship in Jefferson County.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 153. Relating to Jefferson County; to amend Act No. 261, H. 1462, Regular Session, 1975, (Acts of 1975, p. 795) an act fixing supplemental salaries for each District Court Judge in Jefferson County, Alabama.

Also:

H. 182. To amend Section 6-5-390, Code of Alabama 1975, so as to provide that a mother, as well as the father, may sue in behalf of her minor child.

Also:

H. 830. Relating to Calhoun County; to repeal Act No. 610, Acts of Alabama, Regular Session 1978, Relating to the offices of the tax assessor, tax collector, license commissioner, probate judge and coroner in Calhoun County; to authorize the tax assessor to appoint a deputy tax assessor; to authorize the tax collector to appoint a deputy tax collector; to authorize the coroner to appoint a deputy coroner; to establish the duties of such deputies; and to prescribe the respective salaries to be fixed by the county commission.

Also:

H. 870. Relating to Bibb County; establishing a bi-unit road maintenance, repair and construction system; providing for two shop and storage yards; providing for the construction, maintenance and repair of public roads, highways, bridges, ferries and certain driveways under the county bi-unit system; authorizing and requiring the county governing body to employ and regulate the compensation of a county engineer; providing for the manner of selecting said engineer; prescribing his qualifications and requiring bond; defining his authority, powers and duties and those of the county governing body in relation to the roads, bridges and ferries of Bibb County; providing for compensation to be paid to county officers, employees and laborers; and providing for a referendum.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

BILLS ON THIRD READING RESUMED

The Bill:

S. 582. To establish a program authorizing subsidies to make it possible for children in special circumstances such as with medical needs, disabilities or in long term foster care to be adopted.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Figures	Little	St. John	
Bailey	Harrison	Miller	Smith	
Britnell	Holmes	Mitchem	Taylor	
Clemon	Kirkland	Parsons	Weeks	
Denton	Lemaster	Proctor	White	
				—19

Nays: —0

The Bill:

S. 356. Relating to absentee voting; to alter the procedure for same; to provide further for absentee voting by physically disabled persons and election officers; to prescribe a form for absent voter oaths; to provide further for receiving and counting absentee ballots; to prohibit certain acts and provide penalties therefor; to increase penalties for certain existing crimes; and for such purposes to amend Code of Alabama 1975, Sections 17-10-3, 17-10-4, 17-10-5, 17-10-6, 17-10-7, 17-10-8, 17-10-9, 17-10-10, 17-10-11, 17-10-12 and 17-10-17.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 16; Nays 6.

Yeas:

Messrs.:	Cook	Lemaster	St. John	
Bailey	Denton	Little	Smith	
Britnell	Hall	Miller	Vacca	
Callahan	Holmes	Pearson	Weeks	
Clemon				—16

Nays:

Messrs.:	Higginbotham	Parsons	Taylor	
Barron	Kirkland	Proctor		—6

The Bill:

S. 512. To amend Section 10-3-4 of the Code of Alabama, 1975, relating to the Alabama Non-Profit Corporation Act, so as to provide further for the availability of its provisions to existing corporations.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Figures	Little	St. John
Bailey	Harrison	Miller	Smith
Britnell	Holmes	Mitchem	Taylor
Clemon	Kirkland	Parsons	Weeks
Denton	Lemaster	Proctor	White

—19

Nays: —0

The Bill:

S. 178. To amend Section 9-3-5, Code of Alabama 1975 so as to authorize the State Forester to hire forest law enforcement officers; to prescribe the duties of such officers.

was taken up.

The Standing Committee on Agriculture, Conservation, and Forestry reported the following amendment to the Bill, S. B. 178, to-wit:

COMMITTEE AMENDMENT TO S. B. 178

Delete from Page 2, Line 6 through 8, the following:

"Forest law enforcement officers so named shall have the same powers as deputy sheriffs to enforce all forest conservation laws."

Add:

"Forest law enforcement officers so named shall, in addition to all other powers heretofore granted by law, have the power of deputy sheriffs in this State and may exericise such powers anywhere within the State."

Which was adopted.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Figures	Little	St. John
Bailey	Harrison	Miller	Smith
Britnell	Holmes	Mitchem	Taylor
Clemon	Kirkland	Parsons	Weeks
Denton	Lemaster	Proctor	White

—19

Nays: —0

The Standing Committee on Agriculture, Conservation, and Forestry then reported the following amendment to the Bill, S. B. 178, as amended, to-wit:

COMMITTEE AMENDMENT TO S. B. 178, AS AMENDED

Amend S. B. 178, page 1, line 9, by striking out the word "hire" and inserting in lieu thereof the word appoint and furthermore on page 2, line 12 after the word "appoint" insert the words "from within said commission personnel".

Which was adopted.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Figures	Little	St. John
Bailey	Harrison	Miller	Smith
Britnell	Holmes	Mitchem	Taylor
Clemon	Kirkland	Parsons	Weeks
Denton	Lemaster	Proctor	White

—19

Nays: —0

And said Bill, S. B. 178, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Figures	Little	St. John
Bailey	Harrison	Miller	Smith
Britnell	Holmes	Mitchem	Taylor
Clemon	Kirkland	Parsons	Weeks
Denton	Lemaster	Proctor	White

—19

Nays: —0

The Bill:

S. 245. To amend Sections 9-13-10, 9-13-24 and 9-13-64, Code of Alabama 1975 relating to the powers of the state forestry commission employees as to the enforcement of laws, prevention and suppression of forest fires, and the power to arrest, so as to assign these powers to the forest law enforcement officers.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Figures	Little	St. John
Bailey	Harrison	Miller	Smith
Britnell	Holmes	Mitchem	Taylor
Clemon	Kirkland	Parsons	Weeks
Denton	Lemaster	Proctor	White

—19

Nays: —0

The Bill:

S. 358. To make a supplemental appropriation to the state board of social work examiners from the state board of social work examiners' fund which is on deposit in the state treasury.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Figures	Little	St. John
Bailey	Harrison	Miller	Smith
Britnell	Holmes	Mitchem	Taylor
Clemon	Kirkland	Parsons	Weeks
Denton	Lemaster	Proctor	White

—19

Nays: —0

The Bill:

S. 387. Relating to small loan companies, finance companies, and other individuals or persons holding licenses from the State Banking Department.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Figures	Little	St. John
Bailey	Harrison	Miller	Smith
Britnell	Holmes	Mitchem	Taylor
Clemon	Kirkland	Parsons	Weeks
Denton	Lemaster	Proctor	White

—19

Nays: —0

The Bill:

S. 193. To permit the Legislative Committee on Public Accounts to fix the salary from time to time of the Chief Examiner of Public Accounts and the Assistant Chief Examiner of Public Accounts.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Figures	Little	St. John
Bailey	Harrison	Miller	Smith
Britnell	Holmes	Mitchem	Taylor
Clemon	Kirkland	Parsons	Weeks
Denton	Lemaster	Proctor	White

—19

Nays: —0

The Bill:

S. 328. To require any person, firm, or corporation which operates, constructs, or maintains a nuclear powered electric generating facility licensed by the U. S. Nuclear Regulatory Commission to conduct inquiries

into the criminal records of any employee who performs duties at such facility; to require that fingerprint cards of such employee be submitted by his employer to the Alabama Department of Public Safety requiring a search to be conducted of state and federal criminal history files with the results thereof being furnished to submitting employer; to provide exemptions of certain employees from the provisions of this Act; and to relieve and hold harmless the Department of Public Safety from any liability arising from disclosure of criminal history records provided under the provisions of this Act.

was taken up.

The Standing Committee on Judiciary reported the following amendment to the Bill, S. B. 328, to-wit:

COMMITTEE AMENDMENT TO S. B. 328

Amend Senate Bill 328, Page 2, Line 28, by inserting after Section 5 a new Section 6, to read as follows:

"Section 6. All costs of implementing this Act are to be borne by any person, firm or corporation which operates, constructs or maintains a nuclear powered electric generating facility within the state licensed by the U.S. Nuclear Regulatory Commission on whose behalf these inquiries are made."

Subsequent sections should then be renumbered.

Which was adopted.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Figures	Little	St. John
Bailey	Harrison	Miller	Smith
Britnell	Holmes	Mitchem	Taylor
Clemon	Kirkland	Parsons	Weeks
Denton	Lemaster	Proctor	White

—19

Nays: —0

And said Bill, S. B. 328, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Figures	Little	St. John
Bailey	Harrison	Miller	Smith
Britnell	Holmes	Mitchem	Taylor
Clemon	Kirkland	Parsons	Weeks
Denton	Lemaster	Proctor	White

—19

Nays: —0

The Bill:

S. 368. To amend Section 16-1-2 of the Code of Alabama, 1975 relating to partial payments so as to provide that no further retainage will be withheld after 50 percent completion of construction of school buildings.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Figures	Little	St. John
Bailey	Harrison	Miller	Smith
Britnell	Holmes	Mitchem	Taylor
Clemon	Kirkland	Parsons	Weeks
Denton	Lemaster	Proctor	White

—19

Nays: —0

The Bill:

S. 86. To require that group, individual, or blanket hospital or medical expense insurance policies or hospital or medical service contracts issued for delivery in this State which include mental health services in the terms of the policies or contracts shall include reimbursement for services rendered by a duly qualified certified social worker of this State notwithstanding any provisions of the policies or contracts to the contrary.

was taken up.

The Standing Committee on Banking and Insurance reported the following amendment to the Bill, S. B. 86, to-wit:

COMMITTEE AMENDMENT TO S. B. 86

Amend Senate Bill 86, page 2, line 10, by striking out after the comma the word "and" and insert in lieu thereof the word "or"

Which was adopted.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Figures	Little	St. John
Bailey	Harrison	Miller	Smith
Britnell	Holmes	Mitchem	Taylor
Clemon	Kirkland	Parsons	Weeks
Denton	Lemaster	Proctor	White

—19

Nays: —0

And said Bill, S. B. 86, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 13; Nays 5.

Yeas:

Messrs.:	Little	Proctor	Vacca	
Callahan	Miller	St. John	White	
Denton	Parsons	Smith		—13
Holmes	Pearson	Teague		

Nays: Messrs.: Bailey, Barron, Hall, Harrison, Taylor. —5

The Bill:

S. 338. To amend Section 9-17-1, Subsection (3), Code of Ala. 1975, so as to provide for a redefinition of the word "oil" with reference to pool rather than well.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Figures	Little	St. John	
Bailey	Harrison	Miller	Smith	
Britnell	Holmes	Mitchem	Taylor	
Clemon	Kirkland	Parsons	Weeks	
Denton	Lemaster	Proctor	White	
				—19

Nays: —0

The Bill:

S. 397. To amend Title 44, Chapter 2 of the Code of Alabama 1975 by adding thereto The Interstate Compact on the Placement of Children.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Figures	Little	St. John	
Bailey	Harrison	Miller	Smith	
Britnell	Holmes	Mitchem	Taylor	
Clemon	Kirkland	Parsons	Weeks	
Denton	Lemaster	Proctor	White	
				—19

Nays: —0

The Bill:

H. 24. To repeal Section 36-6-9, Code of Alabama 1975, which deals with the compiling of a journal of salaries or compensation for certain unclassified employees.

was read a third time at length and passed.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Figures	Little	St. John
Bailey	Harrison	Miller	Smith
Britnell	Holmes	Mitchem	Taylor
Clemon	Kirkland	Parsons	Weeks
Denton	Lemaster	Proctor	White

—19

Nays: —0

The Bill:

S. 451. To prohibit possession of a firearm at demonstrations by anyone other than an on duly law enforcement officer, and prescribe penalties for violations of this Act.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Figures	Little	St. John
Bailey	Harrison	Miller	Smith
Britnell	Holmes	Mitchem	Taylor
Clemon	Kirkland	Parsons	Weeks
Denton	Lemaster	Proctor	White

—19

Nays: —0

The Bill:

S. 490. To amend Section 11-3-1 of the Code of Alabama 1975, relating to the composition and election of county commissions so as to provide that the provisions of this section shall not apply to any county which is otherwise governed by local law or a law the application of which is determined by the population of the county, insofar as the same are in conflict herewith.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Figures	Little	St. John
Bailey	Harrison	Miller	Smith
Britnell	Holmes	Mitchem	Taylor
Clemon	Kirkland	Parsons	Weeks
Denton	Lemaster	Proctor	White

—19

Nays: —0

The Bill:

S. 449. To provide for fair dismissal procedures for certain non-professional employees, not otherwise covered by the state merit system, at certain public educational institutions and facilities; to provide for and establish a review board to review dismissals of said employees; to provide for the appointment of review board members and their compensation; to define the duties, authority and jurisdiction of the review board; and to provide for judicial review of the decisions of the review board.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Figures	Little	St. John
Bailey	Harrison	Miller	Smith
Britnell	Holmes	Mitchem	Taylor
Clemon	Kirkland	Parsons	Weeks
Denton	Lemaster	Proctor	White

—19

Nays: —0

The Bill:

S. 151. Relating to the regulation of the practice of podiatry in Alabama; further amending certain definitions and adding another definition; amending the make up of the State Board of Podiatry; amending the requirements for the renewal of licenses; amending Sections 1, 3, and 15 of Act. No. 741, S. 388, Regular Session of 1967 (Acts 1967, p. 1586).

was taken up.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Gafford, Carothers, Boles, Trammell, Smith (C), Moore and Shoemaker:

H. 361. To authorize the carrying of a handgun by any honorably retired law enforcement officer whose retirement was not based on any pending disciplinary or legal action.

Also:

By Rep. Smith (C):

H. 610. To amend Sections 12-16-73, 12-21-180 and 12-21-246, Code of Alabama 1975, relating to executing and serving certain process in Alabama by mail.

Also:

By Rep. Holley:

H. 280. To amend Section 15-22-28, Code of Alabama 1975, which provides for investigations for parole of prisoners, cooperation with the board

of corrections, temporary leave and furloughs, restrictions on parole, and minimum sentences to be served prior to the eligibility for parole, so as to further provide for the conditions under which temporary leave and furloughs may be granted and to amend the amount of the minimum sentence to be served prior to being eligible for parole.

Also:

By Reps. Smith (M), Starkey, Greer, Coburn, Bennett, Gafford, Moore, Cheatwood, Howard, Boles, Brakefield, Shavers, Stout, Hall, Amari, Zoghby, Parker, Waggoner, Carter, Smith (J), Roberts, Letson, Patton, Cosby, Sasser, Clark, Owens, Turnham, McKee, Kennedy (Y), Williams, Carothers, Sandusky, Harper, Penry, Naramore and Whatley:

H. 495. To propose an amendment to the Constitution to provide for a weekly travel allowance for members of the legislature while in session, payable at the same rate as the travel allowance authorized for state employees under the general laws of the state.

Also:

By Reps. Roberts and Patton:

H. 562. To amend Section 22-27-5 of the Code of Alabama 1975 which relates to the authority of localities to establish fees and enter into mutual agreements or contracts in connection with solid waste disposal, so as to further provide remedies for the nonpayment of fees.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 361, 610, and 280. To the Committee on Judiciary.

H. B.'s 495 and 562. To the Committee on Governmental Affairs.

(The above numbered Bill, H. B. 495, was read a first time at length as required by the Constitution.)

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Zoghby:

H. 493. To amend Section 34-26-2, Code of Alabama 1975, which relates to confidential relations and communications between licensed psychologists and their clients, so as to include psychiatrists within this privilege.

Also:

By Reps. Campbell, Clark and Minus:

H. 676. To prescribe the circumstances under which legislative committees can compel the attendance of witnesses, administer oaths and issue

subpoenas duces tecum, and the manner of taking testimony; to provide for the admissibility of the testimony before such committee, taken by sound recording or transcript, into evidence in any criminal proceeding or as the committee otherwise may deem appropriate; to prescribe penalties for perjury; and to prescribe that the provisions of this act are cumulative.

Also:

By Rep. Wyatt:

H. 51. Relating to alcoholic beverages: to promote temperance; to require a wine wholesaler to be issued a license by the Alabama Alcoholic Beverage Control Board in each county in which said wholesaler sells table wine to a retail licensee; to require the payment of a filing fee and the county license fee for each such license; and to require the payment of one annual state license fee in the amount of $500.00 and a bond not exceeding $10,000.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 493 and 676. To the Committee on Judiciary.

H. B. 51. To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Holley:

H. 278. To provide a comprehensive Correctional Incentive Program based on incentive for good conduct and work performed by state prisoners in the general operation of the prison and county jails, and in prison industrial, agricultural, educational and work-release programs or other bona fide rehabilitative programs; to establish definitive criteria for qualification to establish definitions for classifications under which sentence reductions may be earned; to prescribe for the loss of correctional incentive sentence reductions; to provide limitation of sentence reductions; to provide for notification of inmates; to provide certain responsibilities of the Board of Corrections and the State Board of Pardons and Parole, sheriffs and jail administrative authorities of each county, and circuit court clerks; to provide that inmates serving county or city jail sentences shall be entitled to the provisions of this incentive reduction act; and to repeal specific and conflicting laws.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 278. To the Committee on Judiciary.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Langford:

H. 750. To amend Section 41-9-61 of the Code of Alabama 1975, relating to the establishment of the state board of adjustment so as to further provide for the meetings of the board.

Also:

By Reps. Kennedy (Y), Kennedy (C), Bedsole, Harper, Buskey, Smith (M), Albright, Smith (J), Brakefield, Ward, Campbell, Stewart, Owens, Zoghby, Parker and Turner:

H. 551. To further authorize and empower the Department of Pensions and Security to operate child support programs, locate absent parents, establish paternity, enforce child support obligations, to collect and distribute support payments, and to conform with certain provisions of the Social Security Act, as amended, in order to obtain maximum benefits under the Social Security Act, as amended; and to prescribe penalties.

Also:

By Rep. Hines:

H. 148. To amend Code of Alabama 1975, Sections 40-20-2 and 40-20-8, so as to increase the rate of tax; to provide further for distribution of the proceeds of the tax; and to provide certain exemptions from the increased rate.

Also:

By Reps. Harper, Stewart, Roberts and Cosby:

H. 446. To amend Sections 36-32-1, 36-32-5 and 36-32-7 of the Code of Alabama 1975, relating to the fire fighters' personnel standards and education commission, so as to provide for the inclusion of fire-fighting districts in the classification of fire-fighting agency; to include paid employees of fire-fighting agencies classified as rescue unit personnel and paramedics as well as fire inspectors and investigators in the classification of fire-fighting personnel; to provide for certain exemptions relating to employment; to further prescribe standards for fire-fighting personnel; and to provide for testing and certification of fire-fighting personnel, both paid and volunteer, by the commission.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 750, 551, and 446. To the Committee on Governmental Affairs.

H. B. 148. To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Carothers:

H. 501. To require any person, firm, or corporation which operates, constructs, or maintains a nuclear powered electric generating facility licensed by the U. S. Nuclear Regulatory Commission to conduct inquiries into the criminal records of any employee who performs duties at such facility; to require that fingerprint cards of such employee be submitted by his employer to the Alabama Department of Public Safety requiring a search to be conducted of state and federal criminal history files with the results thereof being furnished to submitting employer; to provide exemptions of certain employees from the provisions of this Act; and to relieve and hold harmless the Department of Public Safety from any liability arising from disclosure of criminal history records provided under the provisions of this Act.

Also:

By Reps. Coburn and Goodwin:

H. 298. To transfer the LaGrange Historical Site owned by the LaGrange Historical Commission of the State of Alabama to the Alabama Historical Commission.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 501 and 298. To the Committee on Governmental Affairs.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Stout, Gafford and Rains:

H. 205. To amend the Code of Alabama 1975, relative to the time and place of holding primary elections, canvassing, reporting and declaring results, and filing contests.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 205. To the Committee on Governmental Affairs.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Kelley and Dial:

H. 418. To amend Section 12-17-144, Code of Alabama 1975, which relates to prior service credit for benefits of supernumerary circuit clerks and registers, so as to allow circuit clerks or registers prior service credit for time spent as probate judge.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 418. To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Waggoner:

H. 151. To create an additional judgeship for the Tenth Judicial Circuit of Alabama; to provide for the election of such judge; to prescribe the jurisdiction, powers, authority, qualifications, duties, and compensation of such judge, and to render such judge liable to all the pains and penalties of other Circuit Judges in the State; to further provide for a division of authority and duties between judgeships in said Circuit; to increase the number of Circuit Judges in the Tenth Judicial Circuit of Alabama to 20; to repeal all laws or parts of laws in conflict herewith; to amend Section 12-17-20 of the 1975 Code of Alabama; to eliminate one district judgeship in the Birmingham District of Jefferson County; and to provide the effective date of this Act.

Also:

By Rep. Reed:

H. 575. To amend Section 38-2-12, Code of Alabama 1975, relating to the authority of the Commissioner of the State Department of Pensions and Security to destroy certain obsolete records, so as to reduce the retention requirement on certain case record material from ten to five years.

Also:

By Reps. Owens and Bennett:

H. 803. To amend Section 41-9-325, Code of Alabama 1975, so as to give the Tannehill Furnace and Foundry Commission the specific power to make and alter rules and regulations governing the Tannehill Historical State Park; to make the violation of such rules a misdemeanor; and to give the commission police power over the park premises.

Also:

By Rep. Mitchell:

H. 559. To amend Section 34-13-130, Code of Alabama 1975, which provides for the apprentices for funeral directors and embalmers so as to require that the period of apprenticeship must be performed in Alabama under a licensed director or embalmer.

Also:

By Rep. Moore:

H. 248. To amend Section 16-9-11, Code of Alabama, 1975, to change the period of time a local board of education has in filling a vacancy in the office of county superintendent of education, to further provide for the replacement of an elected county superintendent of education.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 151. To the Committee on Finance and Taxation.

H.B.'s 575 and 803. To the Committee on Governmental Affairs.

H. B. 559. To the Committee on Health and Welfare.

H. B. 248. To the Committee on Education.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Barton:

H. 383. To amend Section 43-5-23 of the Code of Alabama 1975 relating to the effect of warranty in deed conveying land belongings to a husband so as to give the same rights to the husband.

Also:

By Reps. Cosby, Holmes, Dixon, Harper (T), Whatley and Carothers:

H. 929. To require the Alabama Alcoholic Beverage Control Board to continue purchasing a quantity of its inventory in the form of alcoholic

beverages in miniature containers for distribution to retailers; to restrict liquor licensees to certain purchases of alcoholic beverages; to prescribe the manner such beverages shall be served to the consumer; and to prescribe penalties.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 383. To the Committee on Judiciary.

H. B. 929. To the Committee on Governmental Affairs.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Warren, Hines, Carothers, Holley, McMillan and Kelley:

H. 162. To provide that retiring conservation law enforcement officers and cattle theft investigators of the Department of Agriculture and Industries of the department of conservation and natural resources may keep their pistols and badges, and certain other equipment, as a retirement benefit, and to make this act retroactively effective to October 1, 1978.

Also:

By Reps. Carothers and Smith (C):

H. 403. This Bill creates a Driver License Medical Advisory Board nominated by the Medical Association of the State of Alabama and appointed by the Director of Public Safety to advise the Director concerning the medical aspects of driver licensing. It also outlines the functions and responsibilities of the board; provides for the confidentiality of related reports and immunity from legal actions.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 162. To the Committee on Agriculture, Conservation, and Forestry.

H. B. 403. To the Committee on Health and Welfare.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Pegues, Owens and Sasser:

H. 572. To provide that in all civil actions for personal injury, death, or property damage, evidence relating to reimbursement of plaintiff for expenses allegedly incurred as a result of the acts or omissions complained of, shall be admissible; to provide that evidence of the cost of obtaining such reimbursement shall be admissible; to provide that certain investigatory information compiled by liability insurers shall not be discoverable without the express written consent of the party who is the subject of the investigation; to provide for the repeal of inconsistent laws or parts of laws; to provide for the severability of this Act; and to provide the manner in which this bill becomes law.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the Title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 572. To the Committee on Judiciary.

REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Senate Joint Resolutions and Senate Bills delivered to the Governor and the Secretary of State, with the date and hour of delivery, to-wit:

S. J. R. 96

S. J. R. 116

S. B. 527

S. B. 326

S. B. 330

S. B. 332

S. B. 413

S. B. 428

S. B. 440

S. B. 462

S. B. 463

Delivered to the Governor, July 10, 1979, at 5:00 P.M.

S. B. 181

S. B. 182

S. B. 183

S. B. 475

Delivered to the Governor, July 11, 1979, at 3:35 P.M.

S. B. 23

S. B. 70

S. B. 71

S. B. 158

S. B. 259

S. B. 267

S. B. 363

S. B. 496

S. B. 523

S. B. 524

S. J. R. 120

S. J. R. 123

S. J. R. 125

S. J. R. 126

S. J. R. 128

S. J. R. 130

Delivered to the Governor, July 12, 1979, at 2:30 P.M.

S. B. 446

S. B. 484

S. B. 553

S. B. 269

S. J. R. 131

Delivered to the Governor, July 12, 1979, at 8:00 P.M.

McDOWELL LEE,
Secretary.

SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

ADJOURNMENT

At 11:40 P.M., on motion of Mr. St. John, in accordance with Joint Resolution heretofore adopted, and pending further consideration of S. B.'s 242, 596, 382, and 151, the Senate adjourned until Tuesday, July 17, 1979, at 1 o'clock P.M.

TWENTY-SEVENTH LEGISLATIVE DAY

TUESDAY, JULY 17, 1979

The Senate met pursuant to adjournment, Lieutenant Governor McMillan presiding.

PRAYER

The Session was opened with prayer by the Reverend John Barton, Rector, St. Lukes Church, Church of England, London, England.

ROLL CALL

Present:

Messrs.:	Glass	Lemaster	Proctor
Bailey	Goodwin	Little	Robertson
Barron	Gulledge	Martin	St. John
Britnell	Hall	McDonald	Smith
Callahan	Harrison	Miller	Teague
Cook	Higginbotham	Mitchem	Vacca
deGraffenried	Holmes	Parsons	Weeks
Denton	Keener	Pearson	White
Figures	Kirkland		—33

JOURNAL

On motion of Mr. St. John, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Twenty-Sixth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

ALBERT McDONALD,
Chairman.

COMMITTEE REPORT

On motion of Mr. McDonald, the foregoing report was concurred in and the Journal of the Senate for the Twenty-Sixth Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. St. John, leave of absence was granted Messrs. Clemon and Taylor for today.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Gafford:

H. 792. To amend Code of Alabama 1975, Section 36-7-20 and 37-7-22 relating to various expense allowances for state employees so as to provide that the Governor may increase the mileage allowances and per diem allowances for such employees.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 792. To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate.

S. 142. To propose a constitutional amendment amending further Article XI, Section 217, Constitution of Alabama of 1901, as amended by Constitutional Amendment No. 325 and Constitutional Amendment No. 373, relating to ad valorem property taxes levied by the state and all counties, municipalities and other local taxing authorities.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Cook, the Senate non-concurred in the following House amendment to the Bill, S. B. 142, the title of which is set out in the foregoing Message from the House, to-wit:

HOUSE AMENDMENT TO S. B. 142

Amend S. B. 142 on page 2, Section 2, by deleting Section 2 in its entirety and inserting the following in lieu thereof: Election ordered, at the next general or special election held in the state.

and requested a Committee on Conference.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Figures	Holmes	Miller
Barron	Goodwin	Keener	Parsons
Britnell	Gulledge	Kirkland	St. John
Cook	Hall	Lemaster	Smith
Denton	Harrison	Martin	Weeks

—19

Nays: —0

And the President and Presiding Officer of the Senate appointed as Committee on part of the Senate Messrs. Cook, Harrison, and St. John.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, respectively, and finds same correctly enrolled, to-wit:

S. 537. To propose an amendment to the Constitution of Alabama of 1901, relating to the promotion of production, distribution, improvement, marketing, use and sale of peanuts, milk, and cotton and peanut, milk and cotton products; and to provide for assessment and fees to pay for the cost thereof.

ALBERT McDONALD,
Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing report from the Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 24. To repeal Section 36-6-9, Code of Alabama 1975, which deals with the compiling of a journal of salaries or compensation for certain unclassified employees.

Also:

H. 387. To provide that legislative appropriations for the fiscal year ending September 30, 1980 to the University of Alabama in Birmingham and the University of South Alabama are for the unrestricted support of the activities of the Universities and therefore insurance companies are prohibited from applying or taking into account in any manner any portion of those appropriations in determining reimbursement for patient care activities.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Carothers, Reed, Johnson (R. G.), McKee, Penry, Ward, Grimsley, Williams, Daniels, Ray, Bedsole, Minus, Cosby, Cates, Stout, Whatley, Turnham, Grouby, Hilliard, Trammell, Willis, Letson, Shoemaker, Holmes, Blake and Sasser:

H. 662. To authorize the creation of Alabama Municipal Electric Authority as a public corporation of the State of Alabama; to authorize the Authority, as sole owner or in common with others, to acquire, construct, reconstruct, improve, equip, alter, repair, place into operation, operate, maintain and dispose of projects embracing generation, transmission and distribution of bulk electric power and energy and to acquire, construct, and equip all property and things necessary or convenient for the purposes of the projects and the acquisition, construction, maintenance, and operation thereof; to authorize the Authority to enter into contracts providing for the prepayment by the Authority of charges for bulk electric power and energy; to confer powers, including, among others, the power of eminent domain (subject to certain limitations), and the power to employ personnel and contract for indemnification of its officers, employees, and the members of the board of directors of the Authority; to impose duties on the Authority; to provide for the membership and operation of the Authority; to establish an election committee to elect the board of directors of the Authority; to establish the board of directors of the Authority; to authorize the Authority and certain municipalities, municipal electric utility boards and public corporations owning or operating electric distribution systems to execute contracts for the sale of the output, capacity, use or service of the projects and to enforce the performance thereof and to specify the wholesale character of such sales; to authorize the Authority to enter into interconnection arrangements with certain persons; to authorize the Authority to fix and revise rates and other charges with respect to the output, capacity, use or service of projects and require that those rates or charges be sufficient, along with other revenues and funds of the Authority, to meet certain expenses; to authorize the issuance and to provide for the negotiability of bonds, bond anticipation notes and notes of the Authority payable from the revenues and other available funds of the Authority to pay the costs of the projects; to authorize the collecting and pledging of revenues and other funds and assets of the Authority for the payment of the bonds, bond anticipation notes and notes and for the cost of operating, maintaining, and repairing the projects; to authorize the execution of trust and security instruments relating to the Authority's property to secure the payment of the bonds; to provide rights for the owners of the bonds, bond anticipation notes, and notes; to provide for the appointment of a receiver upon certain events; to provide that the bonds shall not constitute a debt of the State nor of any municipality, municipal electric utility boards or public corporations owning or operating an electric distribution system; to make the bonds legal investments and to exempt the bonds, bond anticipation notes and notes, and the income therefrom and interest thereon, of the Authority from taxation; to provide for certain payments to be made by the Authority in lieu of ad valorem, sales, use, license and severance taxation; to exempt the bonds, bond anticipation notes and notes from the provisions of the State's usury laws; to exempt the purchase, sale or use of property by the Authority from all sales, use and license taxes in the State; to

authorize the issuance of refunding bonds; to provide for validation of the bonds and the security therefor and any contracts related thereto; to provide that all funds received by the Authority shall be trust funds to be applied only as provided in this Act; to authorize the issuance of bond anticipation notes and notes and provide for the payment and terms thereof; to exempt the Authority from the provisions of the Public Service Commission law; to exempt the construction, operation or acquisition of electric light plants by the Authority from the provisions of Sections 37-4-60 through 37-4-65, Code of Alabama 1975; to fix the jurisdiction of actions relating to any provisions of this Act; to provide for the dissolution of the Authority; to exempt the Authority from the operation of the Alabama Sunset Law of 1976, and from the competitive bid laws contained in the Code of Alabama 1975; to repeal all laws and parts of laws in conflict herewith; to provide for the severability of the provisions of this Act; and to provide an effective date for this Act.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 662. To the Committee on Commerce, Transportation, and Utilities.

MESSAGE FROM THE HOUSE

Mr. President:

The House has non-concurred in the Senate amendment to the bill:

H. 52. To bring the laws of Alabama in conformity with P.L. 93-641 and Federal regulations by amending Section 22-21-260 relating to definitions, Section 22-21-265 relating to certificate of need required for new institutional health services, Section 22-21-274 relating to the review procedures, and Section 22-21-275 relating to application review for certificates of need. To repeal Section 22-21-262 which exempts certain acquisitions from certificate of need and Section 22-21-273 relating to the Health Facilities Review Council.

And request a Committee on Conference, and the Speaker of the House has named as a Committee on Conference on the part of the House Messrs. Pegues, Shoemaker and Cosby.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Higginbotham, the Senate acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill, H. B. 52, the title of which is set out in the foregoing Message from the House.

Yeas 16; Nays 0.

Yeas:

Messrs.:	Denton	Little	Robertson
Bailey	Hall	McDonald	St. John
Britnell	Keener	Miller	Vacca
Cook	Lemaster	Parsons	Weeks
deGraffenried			—16

Nays: —0

(The President and Presiding Officer of the Senate declared a quorum present but not voting.)

And the President and Presiding Officer of the Senate appointed as Committee on the part of the Senate, Messrs. White, Parsons, and Higginbotham.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate.

S. 198. To amend Section 37-2-81, Code of Alabama 1975, "Duty of locomotive engineer to ring bell or blow horn, etc.," to state and redefine the duties of a locomotive engineer in the operation of a locomotive to accord with and control modern railroad equipment and practices.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. St. John, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 198, the title of which is set out in the foregoing Message from the House, to-wit:

HOUSE AMENDMENT TO S. B. 198

Amend Senate Bill 198, Page 1, Line 31, by adding after the word "and" the following in Sub-Section B:

. also immediately before entering any curve crossed by a public road, not marked in accordance with Section 37-2-80, Code of Alabama 1975, where he cannot see at least one-quarter of a mile ahead, and must approach and pass such unmarked crossing at such speed as to prevent an accident in the event of an obstruction at the crossing. He must also blow the horn or whistle or ring the bell at short intervals, on entering into, or while moving within or passing through any village, town or city.

Yeas 20; Nays 0.

Yeas:

Messrs.:	Denton	Lemaster	Robertson
Bailey	Goodwin	Little	St. John
Barron	Hall	Martin	Teague
Britnell	Harrison	Miller	Vacca
Cook	Keener	Parsons	Weeks
deGraffenried			—20

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate.

S. 237. To authorize the County Commission or like governing body of each of the several Counties to regulate the minimum size of lots, the planning and construction of all public streets, public roads and drainage structures and require proper placement of public utilities to be located in proposed subdivisions of land or in proposed additions to subdivisions of land existing at the time of the enactment of this Act where such subdivisions are situated outside the corporate limits of any municipality in such county, provided that such placement of public utilities shall not be inconsistent with the Southern Standard Building Code, State and Federal laws and regulations of State and Federal regulatory agencies. To further provide for exercise of jurisdiction by counties over proposed subdivisions within the jurisdiction of municipal planning commissions and to provide for agreement of jurisdiction by counties with affected municipalities.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Higginbotham, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 237, the title of which is set out in the foregoing Message from the House, to-wit:

HOUSE AMENDMENT TO S. B. 237

Amend Senate Bill 237 by changing the period after the word "agencies" on page 2, line 15, to a comma and adding the following:

and, provided further, that if the county commission or like governing body of any county shall require the placement of public utility facilities in any such subdivision or addition thereto in such a manner which is other than the most economical method available from an engineering standpoint, then the developer of such subdivision or addition shall reimburse the utility for the difference in cost between the method so required by the county governing body and the most economical method available.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Little	Proctor	
Bailey	Glass	McDonald	Smith	
Barron	Goodwin	Miller	Teague	
Britnell	Hall	Mitchem	Vacca	
Callahan	Higginbotham	Parsons	Weeks	
Cook	Keener	Pearson	White	
Denton	Kirkland			—25

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The House has non-concurred in the Senate amendment to the bill:

H. 225. To provide for a staggered system of registration for the annual issuance of motor vehicle licenses; to provide each county with the option of converting to this system; to provide for five-year annually renewable license plates for private passenger automobiles and pick-up trucks; to provide for interim validation tabs indicative of periodic registration payment; to provide for numeric county prefixes; to provide for the design, manufacture and purchase of license plates and validation tabs; to provide for a penalty for the late registration of motor vehicles and the distribution of penalty fees; to repeal Section 32-6-50, Code of Alabama 1975, which provided for the five-year tags; to amend Section 40-12-265, Code of Alabama 1975, to provide a minimum fine of $25.00 for improper tags and to authorize county judges of probate or the appropriate licensing authority established by local act except in case of Madison County the Director of Motor Vehicle Licensing to process the replacement of mutilated and lost tags; to amend Section 40-2-12, Code of Alabama 1975, to allow the destruction of source documents after microfilming upon validation of the reproduction; and to create a joint legislative committee to oversee the implementation of this Act.

and requests a Committee on Conference.

And the Speaker of the House has appointed as the Conferees on the part of the House Messrs. Lewis, Dial and Manley.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Cook, the Senate acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill, the title of which is set out in the foregoing Message from the House.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Denton	Lemaster	Mitchem	
Bailey	Hall	Little	Parsons	
Barron	Harrison	Martin	Robertson	
Britnell	Higginbotham	McDonald	St. John	
Cook	Keener	Miller	Weeks	
deGraffenried	Kirkland			—21

Nays: —0

And the President and Presiding Officer of the Senate appointed as Committee on the part of the Senate, Messrs. Cook, Tague, and Kirkland.

RESOLUTION

Messrs. Cook, Bailey, Barron, Britnell, Callahan, Clemon, deGraffenried, Denton, Figures, Glass, Goodwin, Gulledge, Hall, Harrison, Higginbotham, Holmes, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague, Vacca, Weeks and White offered the following Senate Joint Resolution, to-wit:

S. J. R. 140. COMMENDING BRIGADIER LUTHER M. SMITH AND HIS WIFE, MRS. BRIGADIER JEWELL SMITH, OF THE SALVATION ARMY IN BIRMINGHAM, FOR THEIR DISTINGUISHED HUMANITARIAN SERVICE.

WHEREAS, Brigadier Luther M. Smith and his wife, Mrs. Brigadier Jewell Smith, of the Birmingham Salvation Army, have a combined service time of 90 years in this most respected humanitarian service organization; and

WHEREAS, Brigadier Luther Smith serves on the Board of Trustees of the Cooper Green Hospital, was the first Chairman of the Mayor's Police Community Committee, and serves on the Board of St. Anne's, an alcohol problem commission for women; and

WHEREAS, he has also been involved in numerous disaster relief programs in Guatemala and Honduras, and is leaving soon for Costa Rica to assist some of the fleeing refugees from neighboring Nicaragua; and

WHEREAS, he has opened a lodge for runaway girls, of which he is in charge as head of the Salvation Army in Birmingham; and

WHEREAS, Mrs. Brigadier Jewell Smith has had an equally distinguished career of service, being in charge of the Salvation Army Women's Auxiliary of 750 women in the Birmingham area; and

WHEREAS, she is on the National Committee of the Business and Professional Women's Club, and works closely with the League of Mercy, an organization which provides gifts to nursing homes, prisons, and other needy and forgotten people; and

WHEREAS, she has worked closely with her husband in every aspect of Salvation Army work, particularly in the disaster relief programs; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do heartily commend Brigadier Luther M. Smith and his wife, Mrs. Brigadier Jewell Smith, on their splendid careers together with the Salvation Army; the whole state, and the Birmingham community in particular, are deeply in their debt; their lives exemplify the highest meaning of Christian service.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to them that our resepct and admiration for them may be shown.

On motion of Mr. Cook, the Rules were suspended and the Resolution was adopted by the Senate.

REPORTS OF COMMITTEES

Mr. Teague, Chairman of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Reps. Parker and McMillan:

H. 451. To amend Section 9-17-13, Code of Ala. 1975, so as to more clearly provide for the integration or pooling and for the unitization of other interests included in tracts of land with regard to oil and gas drilling units and oil and gas pools.

Mr. Teague, Chairman of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Parker and McMillan(With Amendment):

H. 453. To amend further Section 9-17-12, Code of Ala. 1975, so as to allow spacing in the case of irregular sections which exceed 640 acres and so as to allow the Board to designate drilling or production units of up to 160 acres or one governmental quarter section in the case of oil and 640 acres or one governmental section in the case of gas plus 10 percent tolerance so as to allow for irregular sections, and to exceed these limitations, after notice and hearing, when it is affirmatively demonstrated that one well can drain the proposed unit and that a larger unit is justified because of technical, economic, environmental, or safety considerations, or other reasons deemed valid by the Board, and to further allow the Board, after notice and hearing, to establish units in oil and gas pools not to exceed 30 percent greater than 160 acres or one governmental quarter section in the case of oil and 640 acres or one governmental section in the case of gas, provided such action is justified by sufficient technical data indicating that such acreage or lands in excess of the aforesaid limitations is being drained or is in imminent danger of being drained and that the owners of interests in such said excess acreage or land cannot otherwise receive their just and equitable share of production from the pool, providing for the payment or recoupment of drilling and production costs; and excluding any spacing limitation with regard to offshore wells, except as may be established by said Board.

Mr. Teague, Chairman of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Parker and McMillan:

H. 452. To amend Section 9-17-83, Subsections (3), (4), (5), and (7), Code of Ala. 1975, so as to more clearly render said subsections to include other "interests" within "tracts" in unitization orders.

By Reps. Parker and McMillan:

H. 454. To amend Section 9-17-1, Subsection (3), Code of Ala. 1975, so as to provide for a redefinition of the word "oil" with reference to pool rather than well.

By Reps. Kelley and Edwards:

H. 99. To repeal Act 604, Acts of Alabama, 1978, codified as Chapter 23, Title 11, Code of Alabama, 1975, which chapter relates to Industrial Parks.

Mr. Vacca, Chairman of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Cheatwood (with notice and proof):

H. 818. Relating to Jefferson County; to repeal Act No. 392, H. 1191, 1975 Regular Session, (Acts 1975, p. 975) entitled "An Act To alter, rearrange and extend the boundaries and corporate limits of the Town of Trafford in Jefferson County, Alabama, so as to annex certain territory to the town."

By Reps. Bennett and Amari (with notice and proof):

H. 258. To further amend Act No. 929 of the Regular Session of the Legislature of Alabama of 1951, approved September 12, 1951 (General Acts of Alabama of 1951, pp. 1579, et seq.), as heretofore amended, which said Act, as heretofore amended, is entitled "An Act to create or provide in or for each and every city of the State of Alabama having a population of two hundred fifty thousand or more inhabitants according to the last or any succeeding federal census a pension and relief or retirement and relief system for officers and employees of such city and their widows and children; to make the provisions of such system retrospective as well as prospective; and, subordinately, to define officers and employees of the Board of Health of any county in which any such city may be located as officers and employees of such city for the purpose of retrospective and prospective application of the terms of provisions of such system; to make the provisions of such system applicable on and after September 1, 1969, to classified service employees of the Civil Defense Agency whose territorial jurisdiction or responsibilities include the territory of any such city, and to provide membership in the system for certain employees of a Civic Center Authority in any county in which any such city may be located."

By Reps. Biddle, Trammell and Moore (with notice and proof):

H. 847. Relating to Jefferson County; to abolish the office of County Coroner and to provide that all duties, rights and powers authorized or performed by said officer shall be exercised and performed by the Jefferson County Coroner-Medical Examiners' office; to provide for the powers, rights, duties, compensation and composition of such office; to provide for the Jefferson County Coroner-Medical Examienrs' Commission; to provide for the powers, rights, duties, composition and terms of office of the members of such commission; and to relieve the members of such commission and other persons from civil or criminal liability.

By Rep. Waggoner (with notice and proof):

H. 893. Relating to Jefferson County; to fix and prescribe the salary of the tax collector of said county.

By Rep. Trammell, et al (with notice and proof):

H. 43. Relating to Jefferson County; to repeal Act No. 512, S. 702, 1977 Regular Session (Acts 1977, p. 674) entitled "An Act To amend Section 167, Title 62, Code of Alabama of 1940 so that said Section 167, as amended, will provide in substance as follows: that in Jefferson County the Office of Coroner is abolished and that all powers, rights and duties now or hereafter authorized or required by law to be performed by coroners shall be exercised and performed by the county governing body through appointed Coroners/Medical Examiners, representatives or agents, for the performance of such duties in the entire county or in a designated portion thereof; that the county governing gody shall be authorized to promulgate rules and regulations governing the operation of the Coroners'/Medical Examiners' office and the

performance of the duties of the members of the staff; that the employment and compensation of such Coroners/Medical Examiners, representatives or agents shall be governed by any applicable civil service law; that each Coroner/Medical Examiner shall be a physician licensed to practice medicine in Alabama and recognize and trained in forensic medicine and pathology; that when there is more than one Coroner/Medical Examiner on the staff, the county governing body shall designate one of them as the Chief Coroner/ Medical Examiner, and until such designation the Coroner/Medical Examiner longest in the continuous service of the County shall be the Chief Coroner/Medical Examiner; that the Chief Coroner/Medical Examiner shall direct the staff, subject to the supervision of the county governing body; that it shall be the duty of the Chief Coroner/Medical Examiner to investigate and determine, or to secure another Coroner/Medical Examiner to investigate and determine the cause and manner of any death when any death falls within one or more of the following categories: (a) criminal violence or criminal neglect, (b) suicide, (c) accident, (d) suddenly when in apparent good health, (e) unattended by a practicing physicisn, (f) suspicious or unusual circumstances, (g) criminal abortion, (h) poisoning, (i) diseases constituting a threat to public health, (j) disease, injury or toxic agent resulting from employment, (k) while under anesthesia or within twenty-four hours following anesthesia or any other diagnostic or therapeutic procedure, (l) in any prison or penal institution, (m) when in police custody, (n) when a body is to be cremated, dissected or buried at sea, (o) unclaimed bodies, and (p) when a dead body is brought into this State without proper medical certification; that in investigating a death under Section 167, a Coroner/Medical Examiner shall be authorized to take charge of the dead body, to investigate the circumstances of the death, to conduct or have conducted an autopsy, and whether or not there is an autopsy, to take and retain whatever tissues and biological samples he deems necessary, including blood and/or urine, from the body of a person which he deems necessary to establish the cause and manner of such person's death, and to take possession of any object or article which in his opinion would be useful in establishing the identity of the deceased and/or the cause and manner of death; that there shall be vested in Medical Examiners all the authority now or hereafter vested in coroners by the law of Alabama, including the authority Section 76, Title 15, Code of Alabama of 1940, herein called 'Section 76', vests in coroners to make inquiry of the facts and circumstances of the death of any person who has been killed or has suddenly died under such circumstances as to afford a reasonable ground for belief that such death has been occasioned by the act of another by unlawful means, and the authority Section 76 vests in coroners to submit to a judge of a court of record or a district attorney sworn written statements of witnesses having personal knowledge of such circumstances, and to summon, upon direction of such judge or district attorney, a jury to inquire into the cause and manner of such person's death; and that no member of the county governing body, Coroner/Medical Examiner, registered nurse or appointed assistant, shall incur any civil or criminal liability for his actions under Section 167."

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Sasser (with notice and proof):

H. 318. Relating to Henry County, Alabama; providing for the appointment and compensation of a clerk for the Tax Collector and a clerk for the Tax Assessor of Henry County.

By Reps. Williams and Sasser (with notice and proof):

H. 429. To alter or rearrange the boundary lines of the Town of Midland City, Dale County, Alabama, so as to include within the corporate limits of said town all territory now within such corporate limits, and also certain other territory in Dale County, Alabama.

By Reps. Sasser and Grimsley (with notice and proof):

H. 686. To amend further Section 11-6-2 of the Code of Alabama 1975, as amended, so as to provide further for the qualifications of the county engineer in certain counties of this state.

By Reps. Whatley, Ward and Turnham (with notice and proof):

H. 716. To provide an annual supplemental salary for the Judge of the District Court of Lee County, Alabama.

By Rep. Gilmer (with notice and proof):

H. 727. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Sulligent, Lamar County, Alabama.

By Reps. Grimsley, Whatley, Sasser and Ray (with notice and proof):

H. 808. Relating to Barbour County; to alter, rearrange and extend the boundary lines and corporate limits of the municipality of Eufaula in Barbour County.

By Reps. Manley, Clark, Pegues and Minus:

H. 825. To provide for the establishing of a Solicitor's and District Attorney's Fund in the seventeenth judicial circuit; to provide that all solicitor's and district attorney's fees taxed as costs and collected in all criminal cases in all courts in said circuit shall be paid by the clerks of said courts into the Solicitor's and District Attorney's Fund; and to authorize certain expenditures from said fund.

By Reps. Manley, Clark and Pegues:

H. 826. To provide for an expense allowance for the judge of the 17th judicial circuit to be paid by the counties comprising the circuit.

By Reps. Roberts, Cooley, Letson and Patton (with notice and proof):

H. 854. To amend Sections 1 and 2 of Act No. 727, H. 1051, Regular Session 1978 (Acts of 1978, p. 1052), entitled, "An Act Relating to Morgan County; to further provide for the salaries of employees of the sheriff's department and to provide for additional employees," so as to further provide for the salaries of employees of the sheriff's department and to provide for additional employees.

By Rep. Wyatt (with notice and proof):

H. 885. Relating to Montgomery County; to authorize, provide for the licensing of, and to regulate the operation of and hunting on privately owned hunting preserves stocked by artificially propagated or "pen-raised" upland birds; to prescribe the fees for such licenses; to provide for their collection and distribution; to provide that the licensee shall be an agent vendor of hunting licenses; and to prescribe penalties for violation of this Act.

By Rep. Wyatt (with notice and proof):

H. 886. Relating to Montgomery County; providing for authority to increase the compensation of all appointed election officers for each election; to provide for additional compensation to be paid election officials designated as the chief inspector, inspector and chief clerk for each election held based upon the number of voting machines; and to provide that this act shall be superseded by any subsequent statewide act increasing the compensation of election officials.

By Rep. Wyatt (with notice and proof):

H. 887. To provide that the Montgomery County Commission may grant certain cost of living increases to retired members of the Montgomery County retirement system and to authorize and empower said commission to make necessary contributions from the county general fund to effect such increases.

By Rep. Minus (with notice and proof):

H. 888. Relating to Choctaw County; to provide for certain annual increases in the salaries of the members of the county commission during the next four fiscal years and to provide certain expense allowances for such members with such increases and allowances payable from the county general fund.

By Rep. Patton (with notice and proof):

H. 890. Relating to Morgan County; to amend Act No. 806, H. 1228, Regular Session 1971, (Acts 1971, p. 1561), entitled "An Act Relating to Morgan County; fixing the fee for issuance of pistol permits by the Sheriff and providing for distribution and use of such fees," so as to provide further for such fees.

By Rep. Barton (with notice and proof):

H. 909. To repeal Act No. 669, H. 1382, Regular Session 1975 (Acts 1975, p. 1425), entitled, "An Act Relating to counties having a population not less than 115,000 nor greater than 150,000, according to the latest federal decennial census; providing that the sheriff in such counties shall receive $350 per month expense allowance, to become salary at the end of the present incumbent's term of office."

By Rep. Barton (with notice and proof):

H. 910. Relating to Tuscaloosa County; providing that the sheriff of said county shall receive an additional $400 per month expense allowance, to become salary at the end of the present incumbent's term of office.

By Rep. Greer:

H. 928. Relating to the eleventh judicial circuit; providing for a county salary supplement for the circuit judges and the presiding district judge of the eleventh judicial circuit, and to provide the means and manner for the payment of same.

By Rep. Cobb (with notice and proof):

H. 939. Relating to Marion County; providing for an expense allowance for each member of the county commission.

By Rep. Cobb (with notice and proof):

H. 940. Relating to Marion County; to provide clerical assistance for the tax assessor and tax collector in said county.

By Rep. Manley and Pegues:

H. 959. Proposing an amendment to the Constitution of 1901, as amended, authorizing the City of Demopolis to levy and collect an additional tax on property for public educational purposes.

The above Bill was read a second time at length as required by the Constitution.

By Reps. Sasser and Williams (with notice and proof):

H. 962. To provide further for the election of the chairman and members of the Dale County Commission so that said chairman shall be elected at large and said commissioners shall be elected from their respective districts and providing that this Act shall become effective only if approved at a referendum election in Dale County.

By Reps. Sasser and Williams (with notice and proof):

H. 963. Relating to Dale County; to provide an additional expense allowance for the chairman and members of the county commission.

By Reps. Mitchell and Clark (with notice and proof):

H. 964. Relating to Pickens County; giving the County Commission certain powers in regard to maintaining roads and driveways leading to residences on private property, to churches and to cemeteries.

By Rep. Ray (with notice and proof):

H. 965. To alter,rearrange and extend the boundary lines of the City of Troy, Alabama, so as to include additional land within the corporate limits.

By Reps. Johnson (R. G.) (with notice and proof):

H. 969. To authorize the Coosa County Commission to provide protection against forest fires within the county and to assess the whole or a part of the cost thereof, within a prescribed limit, against forest lands in the county; and to prescribe the procedure for levying and collecting such assessments.

By Rep. Johnson (R. G.) (with notice and proof):

H. 970. Relating to Coosa County; to amend Act No. 864, H. 1099, 1978 Regular Session (Acts 1978, p. 1290), providing for the reidentification of registered voters in said county, so as to increase the salary of the board of registrars.

By Reps. Whatley and Adams (C) (with notice and proof):

H. 976. Relating to Russell County; providing for the hiring of five additional deputy sheriffs to be appointed by the sheriff and providing salaries therefor.

By Reps. Adams (C) and Whatley (with notice and proof):

H. 977. Relating to Russell County; to provide that all functions, duties and responsibilities for the construction, maintenance and repair of

public roads, highways, bridges and ferries in the county shall be vested in the county engineer and shall be maintained on the basis of the county as a whole, without regard to district or beat lines, and to prescribe certain duties for the county engineer.

By Reps. Penry and McMillan (with notice and proof):

H. 981. Relating to Baldwin County; to provide an additional expense allowance for the coroner of said county.

By Reps. Carothers, Daniels and Grimsley (with notice and proof):

H. 989. Relating to Houston County; to allow the assessment and payment of fees by owners for the paving by the county of streets within the county; to authorize the county governing body to establish and maintain a program of street paving, and to allow Houston County a lien therefore on such abutting land and improvements thereon.

By Reps. Kelley, Harvey and Rains (with notice and proof):

H. 1004. Relating to Marshall County; to provide further for the powers and duties of the county commission; to ratify and confirm certain expenditures heretofore made to the custodian of voting machines; and to provide further for the method of compensation of said custodian by the county commission.

By Reps. Kelley, Harvey and Rains (with notice and proof):

H. 1005. Relating to Marshall County; fixing the fee for the issuance of a pistol permit by the sheriff and providing for the deposit of such fees in a sheriff's fund.

By Messrs. Starkey and Greer (with notice and proof):

H. 1007. Relating to Lauderdale County; to amend Act No. 285, H. 1050, Regular Session 1975 (Acts 1975, p. 820), relating to the expense allowance for the county coroner, so as to further provide for such allowance.

By Reps. Greer and Starkey (with notice and proof):

H. 1008. Relating to Lauderdale County; to further amend Section 2 of Act No. 791, H. 923, 1969 Regular Session (Acts 1969, p. 1421), which provides for the deputy sheriff's uniform allowance, so as to include other employees within the scope of said section.

By Reps. Starkey and Greer (with notice and proof):

H. 1009. Relating to Lauderdale County; providing further for the salary of the members of the Board of Equalization, payable pursuant to Section 40-3-8 of the Code of Alabama 1975, with the municipality, county and state sharing the costs therefor; and providing for retroactive effect to May 15, 1979.

By Reps. Kelley, Harvey and Rains (with notice and proof):

H. 1019. Relating to Marshall County; to provide a salary increase for the tax assessor and tax collector for said county and to provide for the effective date of said increase.

By Mr. Teague (with notice and proof):

S. 633. To provide for a supplemental salary for the District Attorney of the Thirtieth Judicial Circuit, to be paid equally by the counties; comprising such circuit; and to fix the amount and method of payment thereof; and to provide for retroactive effect.

By Mr. Proctor (with notice and proof):

S. 635. Relating to the method of giving notice of the requirement of attendance of jury service and the procedure for summoning witnesses in Shelby County; to provide that witnesses may be subpoenaed by United States mail in the county under certain conditions.

Mr. Higginbotham, Chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Rep. Pegues (With Amendments):

H. 494. This bill amends Section 16-5-1 through 16-5-10, Code of Alabama, 1975, an act to establish the Alabama Commission on Higher Education, so as to change the name of the Commission, to expand the membership of the Commission, to establish the Commission as the statewide long-range planning agency for postsecondary education, to provide the Commission with the authority of approval for new units or programs of instruction for academic credit, for advisory coordination of research and public service, the authority to regulate off-campus offerings for academic credit, the authority to regulate units or programs of instruction by non-Alabama institutions, to designate the Commission as the state agency responsible for the administration of those titles of the Higher Education Acts of 1965 as amended for those programs requiring a single state agency and those functions under the Southern Regional Education Compact heretofore assigned to the State Board of Education.

Mr. Higginbotham, Chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Moore:

H. 247. To amend Section 16-8-23, Code of Alabama, 1975, relating to the county board of education's appointment and dismissal authority over personnel.

By Rep. Moore:

H. 248. To amend Section 16-9-11, Code of Alabama, 1975, to change the period of time a local board of education has in filling a vacancy in the office of county superintendent of education, to further provide for the replacement of an elected county superintendent of education.

By Reps. Riddick, Smith (M) and Gregg:

H. 281. To require certain school officials to establish safety procedures and standards for the protection of school personnel during emergencies or disasters; and, further to require school officials to establish effective warning systems, hold monthly fire drills, and hold no less than three severe weather drills during the school year.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Bowling (with notice and proof):

H. 821. To amend Section 1 of Act No. 1247, H. 1642, Regular Session 1971 (Acts 1971, p. 2147), relating to the issuance of pistol permits in Cullman County, so as to increase the fee for said permits.

By Reps. Shavers, Stout and Hall (with notice and proof):

H. 873. Relating to Jackson County, Alabama; providing for the payment of an expense allowance of not more than two hundred dollars ($200.00) per month to the chairman of the Jackson County commission and to each member of said commission and repealing any laws in conflict therewith.

By Rep. Dial (with notice and proof):

H. 983. Relating to Cleburne County; to provide for the taxing and collecting of certain additional court costs for the puproses of establishing a Law Library Fund and a Sheriff's Department Fund; and to authorize the expenditure of said funds.

By Rep. Dial (with notice and proof):

H. 984. Relating to Clay County; abolishing the position of county license inspector; placing the powers, duties and functions of said office in the sheriff of said county; providing for the disposition of fees accruing from the performance of the duties of license inspector and repealing conflicting laws.

By Rep. Dial (with notice and proof):

H. 985. To reopen the state employees' retirement system of Alabama for prior service for certain employees of Cleburne County who did not become members of the said retirement system on the date of the effective participation of Cleburne County; to provide that as a prerequisite to such credit, members must be an active and contributing member of the employees' retirement system and in the active service of Cleburne County, the employer for whom such prior service was rendered; and providing that Cleburne County shall pay such employer costs as are necessary with respect to its employees subject to this act.

By Rep. Dial (with notice and proof):

H. 986. Relating to Cleburne County; abolishing the position of county license inspector; placing the powers, duties and functions of said office in the sheriff of said county; providing for the disposition of fees accruing from the performance of the duties of license inspector and repealing conflicting laws.

By Reps. Cooley and Bowling (with notice and proof):

H. 995. Relating to Cullman County; to establish a county personnel board; to provide for the appointment, and compensation of the members; and to provide for the powers, duties and authority of the personnel board in the personnel administration of the county.

By Reps. Cooley and Bowling (with notice and proof):

H. 996. Relating to Cullman County; To provide for the construction, repair, and maintenance of roads and bridges; to provide for the powers and duties of the county commission and the state highway department in this

respect; to provide for the transfer of certain equipment, funds and personnel; to provide for the appointment of a county engineer; to provide for the compensation of all county road employees; to provide a salary supplement for members of the county commission; and to provide for approval by the electors of Cullman County as an alternate means of effectuating the provisions hereof.

By Reps. Naramore and Brakefield (with notice and proof):

H. 997. Relating to Walker County, providing for the establishment of a consolidated and unified system for assessment and collection of taxes, under the supervision of an elected county official designated as county revenue commissioner, and repealing conflicting laws.

By Reps. Naramore and Brakefield (with notice and proof):

H. 998. Relating to Walker County, Alabama, only; to provide for compensaiton for the members of the Board of Equalization for Walker County and to provide retroactive effect to June 1, 1979.

By Reps. Naramore and Brakefield (with notice and proof):

H. 999. To amend Section 2 of Act No. 115, H. 332, 1953 Regular Session (Acts of 1953, p. 164) entitled "An Act Relating to the Fourteenth Judicial Circuit; providing for the drawing and the summoning and service by mail of petit jurors in criminal, quasi-criminal and civil cases and persons drawn for jury service to compose grand juries in the Fourteenth Judicial Circuit and providing secrecy as to names and identity of persons drawn for petit or grand jury service and prescribing penalties for violation of this Act," so as to provide for jury summons by regular mail.

By Reps. Naramore and Brakefield (with notice and proof):

H. 1000. Relating to Walker County; assessing an additional fee for any criminal or misdemeanor proceeding in the circuit, district or juvenile court; providing for the collecting and disbursing of such funds; and prescribing that the revenue collected pursuant to the provisions of this act shall be paid into the county treasury for the juvenile court advisory committee.

By Reps. Naramore and Brakefield (with notice and proof):

H. 1001. To provide for a supplemental salary for the circuit judges and an expense allowance for the District Attorney of the Fourteenth Judicial Circuit; to be paid by the county comprising such circuit, to fix the amount and method of payment of such salary and expense allowance; and to provide that no retirement contributions shall be deducted from the District Attorney's expense allowance.

By Rep. Campbell (with notice and proof):

H. 1010. To amend Act No. 192, H. 526, 1971 Regular Session (Acts 1971, p. 487) entitled "An Act relating to Calhoun County; providing for meetings of and clerical assistance to the board of registrars of Calhoun County," relative to the salary of the executive secretary to the board, to make the provisions of this amendatory act retroactive.

By Rep. Campbell (with notice and proof):

H. 1011. To repeal Act No. 225, H. 214, approved September 11, 1975, Regular Session 1975 (Acts 1975, p. 753), entitled "An Act Relating to

Calhoun County; providing for meetings of and clerical assistance to the board of registrars of Calhoun County, relative to the salary of the executive secretary to the board, to make the provisions of this amendatory act retroactive."

Mr. deGraffenried, Vice-Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Gafford, Carothers, Boles, Trammell, Smith (C), Moore and Shoemaker:

H. 361. To authorize the carrying of a handgun by any honorably retired law enforcement officer whose retirement was not based on any pending disciplinary or legal action.

By Mr. Cook:

S. 608. To amend Section 31-2-89, Code of Alabama 1975, which bars actions or proceedings against members of the national guard for acts done in the discharge of military duty, so as to provide for conditions under which indemnification by the state shall be available to such persons.

By Mr. Cook:

S. 607. To provide that members of the national guard while on state active duty, shall be possessed with the identical legal authority as a deputy sheriff.

By Mr. Cook:

S. 606. To provide for criminal penalties for failure to obey a lawful order of a member of the state national guard when said member of the national guard is lawfully serving on state active duty.

By Rep. Smith (J):

H. 469. Relating to child custody proceedings; to provide for the jurisdiction of the domestic or family relations courts of this state over child custody proceedings and for the recognition and modification of out-of-state child custody proceedings; and for this purpose to enact the Uniform Child Custody Jurisdiction Act.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Harvey (with notice and proof):

H. 782. Relating to Blount County; to provide an additional expense allowance of $100.00 per month for the members of the county board of education.

By Rep. Warren (with notice and proof):

H. 925. Relating to Monroe County; to amend Act No. 1823, H. 2473, 1971 Regular Session (Acts of 1971, p. 2991), so as to increase the coroner expense account.

By Rep. Warren (with notice and proof):

H. 966. Relating to Conecuh County; to provide for an increase in the pay of members of the board of equalization.

By Rep. Warren (with notice and proof):

H. 967. Relating to Conecuh County; to provide an additional expense allowance for the tax collector of such county for clerk hire.

By Rep. Warren (with notice and proof):

H. 968. Relating to Conecuh County; to provide an additional clerk-hire allowance for the tax assessor.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Dial, et al:

H. 486. To establish an emergency forest fire fund which will automatically receive an appropriation from the general fund of $180,000.00 per annum; to provide that this fund shall not exceed a total accumulated amount of $500,000.00; to provide that the monies may be expended from time to time to meet emergency forest fire needs at the discretion of the state forester and governor; and to provide for automatic replenishment of monies expended from said fund by an automatic appropriation from the general fund of up to $180,000.00 per year; and giving retroactive effect to October 1, 1978.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Rep. Owens (With Substitute):

H. 953. To provide for a cost-of-living increase for all state employees and officials, including certain judges under certain circumstances, and other elected officials; to provide for revision of pay rates by the State Personnel Director and by the Administrative Director of Courts; to provide for the conditions prior to the granting of the conditional cost-of-living increase hereby authorized; to otherwise provide for and identify the funds from which said cost-of-living increase shall be paid and to appropriate such additional funds as may be necessary to pay such increase, subject to the condition of the state treasury and/or the availability of monies otherwise appropriated for any purpose during the fiscal year ending September 30, 1980.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Reps. McMillan and Warren (With Amendment):

H. 122. To establish and provide for the Forestry Study Committee; and to make an appropriation from the general fund to implement the provisions hereof.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Carothers:

H. 846. To authorize each coutny in Alabama to issue and sell, for the purpose of financing the costs of erecting necessary public buildings, bridges and roads or for refunding purposes, interest-bearing tax anticipation warrants payable solely out of the special road, bridge and public building tax authorized to be levied by counties under § 215 of the Constitution of Alabama (as amended), to authorize the county commission of the issuing county (subject to certain specified conditions) to fix the terms and conditions on which such warrants may be issued and sold, to provide that such warrants shall not be subject to the laws of the state relating to usury or limiting interest rates, that the provisions of § 11-8-10 of the Code of Alabama 1975, as amended, shall not apply to any such warrants and that such warrants may be issued without an election.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Rep. Greer, et al (With Amendments):

H. 528. Relating to the Transient Occupancy Tax; to increase the rate of said tax in certain counties; and to appropriate the proceeds thereof to the Alabama Mountain Lakes Association and to certain North Alabama counties for travel advertising and promotion; and for such purpose to amend Code of Alabama 1975, Sections 40-26-1 and 40-26-20.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Pegues:

H. 381. To amend Section 40-18-15 of the Code of Alabama 1975, as amended, relating to state income tax deductions for individuals so as to increase the percentage of such deductions allowable for contributions or gifts to religious, charitable or scientific institutions.

By Rep. Cates, et al:

H. 793. Relating to soil surveys; to provide for accelerating the soil survey in Alabama so that soil mapping, classification, and interpretation may be completed in 10 years, and to make a conditional appropriation for this purpose for the state treasury.

By Reps. Sasser and Grimsley:

H. 722. To amend Section 7 of Act No. 12, S. 56, Second Special Session 1978 (Acts 1978, p. 1616), the Educational Appropriation Act for the fiscal year ending September 30, 1979, so as to further provide for the allocation to the nursing programs at the George C. Wallace Community College—Technical Branch—Dothan.

By Reps. Carter, Gafford, Roberts and Letson:

H. 294. To amend Section 2, Subsection III (a) (9) (c) of Act No. 597, H. 244 of the 1978 Regular Session, which act makes appropriations from various funds of the State for the ordinary expenses of the executive, legislative and judicial functions of government for the fiscal year ending September 30, 1979, so as to increase the A. B. C. Board appropriation in the Administrative Services Program by $1,000,000.

By Rep. Waggoner:

H. 674. To make an appropriation to the University of Alabama in Birmingham, School of Optometry, from funds which are on deposit in the State Treasury.

By Rep. McKee:

H. 4. To amend Section 40-23-4 of the Code of Alabama 1975, as amended, so as to exempt the gross receipts of sales from state nurseries of forest tree seed and seedlings; in addition to forest tree seed and seedlings grown for commercial timber and game food purposes, Lespedeza bicolor and other species of perennial plant seed and seedlings grown and produced for out-planting as a source of game food are also exempted from taxation on the gross receipts from sales thereof.

By Reps. Kelley and Dial:

H. 418. To amend Section 12-17-144, Code of Alabama 1975, which relates to prior service credit for benefits of supernumerary circuit clerks and registers, so as to allow circuit clerks or registers prior service credit for time spent as probate judge.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Rep. Waggoner (With Substitute):

H. 151. To create an additional judgeship for the Tenth Judicial Circuit of Alabama; to provide for the election of such judge; to prescribe the jurisdiction, powers, authority, qualifications, duties, and compensation of such judge, and to render such judge liable to all the pains and penalties of other Circuit Judges in the State; to further provide for a division of authority and duties between judgeships in said Circuit; to increase the number of Circuit Judges in the Tenth Judicial Circuit of Alabama to 20; to repeal all laws or parts of laws in conflict herewith; to amend Section 12-17-20 of the 1975 Code of Alabama; to eliminate one district judgeship in the Birmingham District of Jefferson County; and to provide the effective date of this Act.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Stewart (with notice and proof):

H. 993. This bill provides that a stamp shall be affixed to each magazine sold in Mobile County which contains pictures or photographs of uncovered female breasts or the uncovered genital organs of a man or woman, providing for a fee to be charged for each stamp and providing for the use of the revenue collected therefrom.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Waggoner:

H. 152. Creating the Alabama Aviation Hall of Fame Board; providing the method of selection of its members; prescribing its powers and duties; providing that no person may derive income or profit from the funds or property of the board; and providing that gifts to and property, funds and activities of the board shall be exempt from taxation.

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that the following Bills have been placed at the end of the Regular Order Calendar, for today, to-wit:

By Rep. Cates:

H. 314. To require certain minimum deposits into a trust fund of proceeds from sales of grave space in an endowment or perpetual care cemetery; to require a minimum deposit into an irrevocable trust fund by any person establishing endowment or perpetual care cemeteries after the effective date of this Act; to provide for certain contractual provisions; to provide for the supervision and control of such trust funds; to provide for penalties for violation; to provide for enforcement and supervision by the district attorneys of the several judicial circuits; to provide for the recording of certain reports in the several probate courts; to provide for licenses to be obtained from the probate judge; and for related purposes.

By Messrs. Parsons and Kirkland:

S. 62. To provide for the repeal of Section 32-1-2, Code of Alabama, 1975, otherwise known as the "Guest Statute."

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that the following Bills have been placed on the Consent Calendar for today, to-wit:

By Rep. Venable (With Amendment):

H. 3. To amend Section 37-1-3, Code of Alabama 1975, so as to provide that the members of the Public Service Commission shall take office the day after the general election at which they were elected.

By Mr. Harrison:

S. 435. To amend Section 25-4-54 of the Code of Alabama 1975, relating to the Alabama Unemployment Compensation Act, by providing for the transfer of the unemployment benefit experience to a successor employer, if he originally became subject to the provisions of this Act by acquiring a segregable portion of another employer and acquired another segregable portion after October 1, 1978.

By Mr. Keener:

S. 513. To regulate further the hunting of migratory waterfowl; to provide for the issuance of migratory waterfowl stamps and for the collection of fees therefor; to provide for the procurement, development, restoration, maintenance, or preservation of wetlands for waterfowl habitat and for public waterfowl hunting areas; and to require the state department of conservation and natural resources to carry out the provisions of this act.

By Reps. Edwards, Cates and Gafford:

H. 263. To amend Section 5-1-9, Code of Alabama 1975, so as to provide that call reports shall be transmitted by each state bank to the superintendent of banks within thirty days after the receipt of a request therefor from him; to provide further that any state bank failing to transmit such call report within the thirty-day period shall pay a penalty to the state banking department of one hundred dollars per day.

By Reps. Cates, Gafford and Edwards:

H. 266. To amend Section 5-3-1, Code of Alabama 1975, relating to state banks, so as further to regulate such banks by requiring that certain annual audits be made and be available on bank premises to the superintendent of banks; and to authorize the superintendent of banks to promulgate rules and regulations establishing minimum standards for such audits and reports.

By Reps. Cates, Gafford and Edwards:

H. 267. To amend Title 5, Section 185, Alabama Code, relating to directors of banks or trust companies doing a banking business organized under Alabama law; to change the residence requirements by providing that at least fifty-one percent of the directors of every such bank or trust company shall be residents of the State of Alabama.

By Rep. McMillan:

H. 455. To amend Section 9-11-44, Code of Alabama 1975, relating to annual residence hunting licenses, so as to increase the fee for such licenses.

By Mr. Little:

S. 90. To amend the Code of Alabama 1975, Section 43-3-1, which provides for the descent and distribution of real estate of an intestate, so as to change the order of succession.

By Mr. Little:

S. 395. To amend Section 26-10-3, Code of Alabama 1975, relating to adoptions, so as to further regulate consent for adoption of a child and notice of adoption proceedings.

By Messrs. Britnell and Robertson:

S. 467. To provide that any property owner shall have the authority to clean or dredge a stream or creek running through or onto his property.

By Mr. Figures (With Amendment):

S. 480. To prohibit the Attorney General or any of the several district attorneys in the state from defending any person who has allegedly committed a crime and to prohibit the expenditure of public funds for the defense of such person.

By Messrs. deGraffenried and Clemon:

S. 499. To amend Section 41-9-325, Code of Alabama 1975, so as to give the Tannehill Furnace and Foundry Commission the specific power to make and alter rules and regulations governing the Tannehill Historical State Park; to make the violation of such rules a misdemeanor; and to give the commission police power over the park premises.

By Mr. White:

S. 572. To amend Sections 16-30-1 and 16-30-4, Code of Alabama 1975, relating to the immunization of school children, so as to require any student who has not been immunized upon initial entry into a school in Alabama, must show proof of immunization at the commencement of the next school year.

By Messrs. Proctor, Kirkland, Little, Higginbotham, St. John, Martin, Lemaster, Gulledge, Parsons, Figures, White, Cook, Goodwin, Denton, McDonald, Britnell, Keener, Holmes, Teague, Glass, Callahan, and Clemon:

S. 185. To amend Section 17-6-13, Code of Alabama 1975, which section provides for the compensation of county election officials, so as to provide further for the compensation of such officials.

By Mr. Mitchem:

S. 485. To impose additional requirements upon livestock markets as regulated by Sections 2-15-60 through 2-15-71 of the Code of Alabama 1975 by requiring such markets to report to the Commissioner of Agriculture and Industries any purchases of livestock by a livestock dealer where such a dealer has not complied with the provisions of the "Alabama Livestock Dealers' Financial Responsibility Act" (Code of Alabama of 1975, Sections 2-15-130 through 2-15-138); to define words and terms used in this Act; to authorize the Commissioner of Agriculture and Industries to inspect records of sales of livestock markets; to provide for the adoption of rules and regulations to effectuate the intent and purpose of this Act; and to prescribe penalties for violations of this Act.

By Mr. Mitchem:

S. 486. To amend Section 2-15-133, Code of Alabama 1975, by adding a provision that imposes liability on livestock dealers as defined in Section 2-15-131 (5), Code of Alabama 1975, for the payment of the purchase price of all livestock purchased by such dealers without regard to whether a livestock dealer purchases livestock on his own account, or as agent for another, and without regard to the liability of another party for whom such a dealer makes such purchase.

By Rep. Johnson (R. G.), et al:

H. 103. To amend Section 6-5-335, Code of Alabama 1975, relating to the exemption from civil liability of members of organized volunteer fire departments who make efforts to preserve and protect any building and property from fire, so as to exempt such volunteers as well as members of organized rescue squads from civil liability whose acts, in the line of their duties, unintentionally cause injury to follow volunteers or owners of said property.

By Mr. Little:

S. 501. To amend Section 38-2-12, Code of Alabama 1975, relating to the authority of the Commissioner of the State Department of Pensions and Security to destroy certain obsolete records, so as to reduce the retention requirement on certain case record material from ten to five years.

By Reps. McMillan, McCorquodale, Biddle and Owens:

H. 235. Relating to illegal nighttime deer hunting; declaring motor vehicles, guns, rifles, ammunition and hunting equipment used in illegal nighttime deer hunting to be contraband; and providing for the condemnation and sale thereof for the benefit of the state game and fish fund.

By Mr. Kirkland:

S. 121. To amend Section 14-10-1, Code of Alabama 1975, so as to require the Board of Corrections to discharge state convicts only in the county in which they were sentenced.

By Rep. Manley, et al:

H. 292. To amend section 12-17-183 of the Code of Alabama 1975, relating to residency requirements of district attorneys in the state, so as to regulate further the residency requirements of the district attorneys.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a Message from the Governor, returning Senate Bill Number 527, without the Governor's signature and approval.

Respectfully submitted,

JAMES E. FOY,
Executive Secretary.

Done this 17th day of July, 1979.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I am returning to you, the Body in which it originated, Senate Bill Number 527 without my signature and approval.

A careful study of the bill as written reveals that the bill would apply to too many cities. Furthermore, any cities whose citizens desire to initiate the action referred to in Senate Bill Number 527 may do so under existing legislation. It is my belief that this legislation is vague and redundant.

Respectfully,

FOB JAMES,
Governor.

GOVERNOR'S MESSAGE

On motion of Mr. Teague, the Senate sustained the Governor's veto to the Bill, S. B. 527, the title of which is set out in the foregoing Message from the Governor, by a vote of

Yeas 16; Nays 0.

Yeas:

Messrs.:	Hall	Keener	McDonald
Barron	Harrison	Kirkland	Robertson
Callahan	Higginbotham	Lemaster	St. John
Denton	Holmes	Little	Teague
Figures			—16

Nays: —0

(The President and Presiding Officer of the Senate declared a quorum present but not voting.)

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate.

S. 522. Relating to Mobile County; the purpose of this bill is to provide a supplement to the salaries of Register of the Circuit Court and the District Court Clerk of the Thirteenth Judicial Circuit.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Callahan, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 522, the title of which is set out in the foregoing Message from the House, to-wit:

HOUSE AMENDMENT TO S. B. 522

Amend S. B. 522 on page 1, Section 1, line 20 by striking the word shall and inserting in lieu thereof the word may.

Further amend the bill on page 1, Section 1, line 22 after the words "per annum" by inserting the following new sentence: Such supplemental salary shall be paid upon the availability of funds and the approval of the County Commission.

Further amend the bill on page 1, Section 1, line 21, by striking out the words the amount of and inserting in lieu thereof the following: an amount up to

Yeas 25; Nays 0.

Yeas:

Messrs.:	Glass	Miller	St. John
Bailey	Gulledge	Mitchem	Smith
Barron	Hall	Parsons	Teague
Callahan	Harrison	Pearson	Vacca
Cook	Holmes	Proctor	Weeks
Denton	Keener	Robertson	White
Figures	Little		—25

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 133. RESOLUTION NAMING THE NEW BASEBALL FIELD AT THE UNIVERSITY OF SOUTH ALABAMA IN HONOR OF COACH EDWARD RAYMOND STANKEY.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate.

S. 479. Relating to Baldwin County; to provide for the leasing of the oil, gas and mineral rights that are owned by the county on the right-of-way of the Baldwin County road system; and to provide for the disposition of the funds accruing from such leases for public launching ramps.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Gulledge, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 479, the title of which is set out in the foregoing Message from the House, to-wit:

HOUSE AMENDMENT TO S. B. 479

Amend S. B. 479 on page 1, section 2, line 31 by adding after the word "line" the following:

After one (1) such ramp is built such funds may be used to construct, repair, or maintain public launching ramps in any part of Baldwin County, at the discretion of the county commission.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Little	St. John	
Bailey	Glass	McDonald	Smith	
Barron	Gulledge	Miller	Teague	
Britnell	Harrison	Parsons	Vacca	
Callahan	Holmes	Proctor	Weeks	
Cook	Keener	Robertson	White	
Denton	Kirkland			—25

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Smith (M):

H. J. R. 274. CREATING A JOINT SELECT LEGISLATIVE COMMITTEE TO STUDY AND PREPARE FOR THE FEASIBILITY OF ESTABLISHING A STATE LOTTERY, SUBJECT TO RATIFICATION BY THE PEOPLE OF A CONSTITUTIONAL AMENDMENT.

WHEREAS, members of the Legislature are exploring all avenues of raising revenues for the state and one area under consideration is establishing a state lottery; and

WHEREAS, it is necessary to submit a constitutional amendment to authorize the Legislature to enact legislation for a state lottery to the people for ratification; and

WHEREAS, the Legislature should be in a position to receive, consider and act upon information and studies therefor promptly; and

WHEREAS, the type, scope, controls and administration of a state lottery should be carefully prescribed in such legislation that the lottery may to the maximum extent achieve the desired results; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That:

1. There is hereby created a joint select committee to study the feasibility of preparing and implementing a state lottery system. The committee shall consist of three members of the house of representatives and three members of the senate, appointed by the presiding officer of the respective houses. Vacancies in the membership of the commission shall be filled in the same manner as the original appointments were made.

2. The committee shall organize as soon as may be after the appointment of its members and shall select a chairman from among its members and a secretary who need not be a member of the committee.

3. It shall be the duty of said committee to formulate a report of the feasibility of establishing a state lottery, including proposed legislation and an administrative program for the conduct of a state lottery, for submission to the Governor and the Legislature. In formulating such proposed legislation the committee is authorized to study the lottery legislation and operating procedures employed in other jurisdictions with the ends in view of devising a lottery system of broad appeal with frequent drawings, effective controls and such other features which will achieve, to the maximum practicable extent, the objectives as stated herein. They are further authorized to call in such experts in the field of lottery as may be feasible to assist in devising what is economically and demographically best for Alabama.

4. The committee shall be entitled to call to its assistance and avail itself of the services of such employees of any department, board, bureau, commission or agency of this state or of other jurisdictions as it may require and as may be available for it for said purpose, and to employ such consultants, stenographic and clerical assistants and incur such traveling and other miscellaneous expenses as it may deem necessary, in order to perform its duties. Each member of the committee shall be entitled to actual expenses and per diem in the performance of the duties herein imposed, whether within or without the state. All expenses shall be payable out of the funds appropriated to the Legislature, not to exceed $20,000.00.

5. The committee may meet and hold hearings at such place or places as it shall designate during the sessions or recesses of the Legislature.

BE IT FURTHER RESOLVED, That the select committee shall stand discharged on sine die of the 1980 Regular Session of the Legislature.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 274, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Biddle, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark, Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hilliard, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy (C), Kennedy (Y), Laird, Langford, Letson, Lewis, McCorquodale, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Ward, Warren, Whatley, Williams, Willis, Wyatt, and Zoghby.

H. J. R. 291. MOURNING THE DEATH OF SCOTT MITCHELL WAGGONER OF BIRMINGHAM, ALABAMA.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Cook, the Rules were suspended and the Resolution, H. J. R. 291, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Manley:

H. J. R. 290. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when we adjourn today, Tuesday, July 17, 1979, we adjourn to meet again on Wednesday, July

18, 1979; when we adjourn on Wednesday, July 18, we adjourn to meet again on Thursday, July 19, 1979; when we adjourn on Thursday, July 19, we adjourn to meet again on Monday, July 30, 1979; and when we adjourn on Monday, July 30, 1979, we adjourn sine die.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. McDonald, the Rules were suspended and the Resolution, H. J. R. 290, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 141. RESOLVED BY THE SENATE That Senate bills on the Consent Calendar be given priority over House bills on the Consent Calendar, and that Senate Rule 35 be suspended relative to Senate bills listed on the Consent Calendar.

Which was adopted.

The Standing Committee on Rules then offered the following Senate Resolution, to-wit:

S. R. 142. RESOLVED BY THE SENATE That the following business in the order named be special and paramount order of business upon reaching bills on 3rd reading for the 27th Legislative Day, and that Senate Rule 35 be suspended relative to all Senate bills listed herein:

Bill No.	Page No.	Description
S. B. 630	112	Dist. of T.V.A. payments
S. B. 545	58	CA: ad val. tax increase in cert. cases
S. B. 558	59	Public transportation auth.
S. B. 570	82	Class 4 & 5 cities, mun. bonds for hotels etc.
S. B. 405	64	Cont. sys. of comp. for election officials
S. B. 46	8	Public warehouse, permit fee
S. B. 509	72	Cond. approp. to dist. attorneys
S. B. 69	82	Creating Alabama Aviation Hall of Fame
S. B. 337	35	Oil and gas drilling, int. or pooling
H. B. 715	67	Criminal Code
H. B. 275	80	Beer tax payments
H. B. 56	84	Reg. of births
H. B. 296	85	Migratory waterfowl
H. B. 831	90	Capitol Complex Maintenance and Repair Fund

H. B. 38	70	Divorce and alimony proceedings
H. B. 573	66	Alabama Securities Act
H. B. 157	32	"Real Estate Recovery Fund"
H. B. 23	74	Crime victims to receive any profits from crime
H. B. 239	74	Teachers' Retirement System of Alabama
H. B. 17	77	Cosmetology
H. B. 577	79	Alabama Inst. for Deaf and Blind
H. B. 331	62	Relating to Elections
H. B. 317	89	Swine diseases
H. B. 508	46	Branding of livestock
H. B. 53	44	Motor vehicle license taxes & reg. fees
H. B. 256	89	State off. and emp. payroll deductions for cert. contributions
H. B. 378	85	Increase cost of resident fishing
H. B. 327	52	Operation of public warehouses in Alabama
H. B. 71	36	Commissioner of Agri. and Ind.
H. B. 262	43	State Bank
S. B. 17	6	Deceptive Trade Practices Act
H. B. 264	43	Superintendent of banks
H. B. 69	35	Confiscation and sale of seafoods cargos
H. B. 357	50	Relating to seafoods
H. B. 417	91	Boards of Education

And said Resolution was adopted by the Senate.

FURTHER CONSIDERATION OF H. J. R. 229

The Senate proceeded to further consideration of the Resolution:

H. J. R. 229. CREATING AN INTERIM COMMITTEE ON MUNICIPAL GOVERNMENT.

as amended, which said amendment is set out in the Journal of the Senate for the Twenty-Fourth Legislative day.

Mr. Mitchem offered the following amendment to the Resolution, H. J. R. 229, as amended, to-wit:

AMENDMENT TO H. J. R. 229, AS AMENDED

Amend H. J. R. 229 on Page 3 by deleting on lines 25-28 the words "The Committee is hereby empowered to employ one clerk, who shall be a competent stenographer, and who shall be paid in accordance with the present rate of pay for legislative clerks, and"

and substitute in lieu thereof the following new language:

"The Secretary of the Senate or Clerk of the House is hereby required to provide one clerk, who shall be a competent stenographer, and the Committee is hereby empowered to"

Which was adopted.

And said Resolution, H. J. R. 229, as thus amended, was then concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Bennett, Amari, Seibels, Horn, Boles, Trammell, Cabaniss, Payne, Biddle, Moore, Lewis, and Cheatwood:

H. J. R. 294. COMMENDING KATHY PICKETT, MISS ALABAMA, 1979

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Mitchem, the Rules were suspended and the Resolution, H. J. R. 294, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Payne:

H. J. R. 287. REQUESTING THE DEPARTMENT OF YOUTH SERVICES TO IMPLEMENT A FIVE-YEAR PLAN THAT WILL SET FORTH PROCEDURES TO PROVIDE THE SERVICES AND TO ACCOMPLISH THE RESPONSIBILITIES OF THAT DEPARTMENT AS SPECIFIED BY LAW.

WHEREAS, in accordance with Section 44-1-1, Code of Alabama 1975, the Department of Youth Services is charged with the responsibility ". . . to promote and safeguard the social well-being and general welfare of the youth of the state through a comprehensive and coordinated program of public services for the prevention of juvenile delinquency and the rehabilitation of delinquent youth"; and

WHEREAS, because of the complexities of the Department of Youth Services, a well-defined long-range plan is a necessity, and it has been several years since such a long-range plan has been conducted; and

WHEREAS, the various campuses in the Department of Youth Services are unsure as to what direction the programs under their supervision will take in the next five years; and

WHEREAS, the people of the various communities where the Department of Youth Services campuses are located do not know what programs are planned for their communities; and

WHEREAS, not only are the youthful offenders of this state department upon the Department of Youth Services for better opportunities for a successful life, but the people of Alabama also are dependent upon the Department for the correction and care of these youthful offenders; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby request the Department of Youth Services to implement a five-year plan that will set forth procedures to provide the services and to accomplish the responsibilities of that Department as specified by law. This plan shall:

(a) Define the role and mission of the Roebuck, Chalkville and Mount Meigs campuses and shall list and define all programs to be offered at each campus;

(b) define the relationship between the various campuses and the Department of Youth Services;

(c) define the services and responsibilities of the Department of Youth Services as required by law.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to the Director of the Department of Youth Services that he and his staff may immediately take action to comply with this request, with copies also provided for each member of the Legislature, the Governor, Lieutenant Governor, each member of the Youth Services board, directors of the Roebuck, Chalkville and Mount Meigs campuses and the chairman of the Advisory Board of each campus.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Figures, the Rules were suspended and the Resolution, H. J. R. 287, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Campbell, Crow, Willis, Blake, Dial, and Cabaniss:

H. J. R. 270. CONGRATULATING AND COMMENDING TENNIS STAR PATRICK DU PRE, FORMERLY OF ANNISTON AND BIRMINGHAM, ALABAMA.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Holmes, the Rules were suspended and the Resolution, H. J. R. 270, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Moore, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark, Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hilliard, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy (C), Kennedy (Y), Laird, Langford, Letson, Lewis, McCorquodale, McKee, McMillan, Manley, Minus, Mitchell, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby:

H. J. R. 288. MOURNING THE DEATH OF MR. CLAUDE J. MARTIN.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Proctor, the Rules were suspended and the Resolution, H. J. R. 288, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

RESOLUTION

Mr. Barron offered the following Senate Joint Resolution, to-wit:

S. J. R. 143. WHEREAS, The Alabama State Legislature is saddened to learn of the death of its former member Frank Lloyd Haynes on July 14, 1979; and

WHEREAS, No servant gave more of himself for his family, his community, his state and nation as did Frank Haynes; and

WHEREAS, Frank Haynes distinguished himself as a graduate of Howard College, as a school teacher, coach and principal, as a member of the State of Alabama House of Representatives for three terms and as an official of the State Department of Conservation; and

WHEREAS, Frank Haynes was a very kind, generous and considerate gentleman whose number of friends are legion and his influence will live on forever in the lives of those fortunate enough to have been influenced by him; and

WHEREAS, Frank Haynes' life-long faith in God provided not only a remarkable career in many fields but gave him the success of having all the desirable qualities of warmth, humor and humility which earned for him the undying love and friendship of all who knew him.

NOW THEREFORE BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that their members do hereby mourn the death of Frank L. Haynes and extend to his surviving wife, Maxine Haynes and other surviving family members their sincerest sympathy and to whom copies of this resolution shall be sent.

On motion of Mr. Barron, the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Seibels:

H. J. R. 276. EXPRESSING APPRECIATION TO THE MARINE PARTICIPANTS IN THE LEGISLATURE'S FLAG DAY CEREMONIES.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Vacca, the Rules were suspended and the Resolution, H. J. R. 276, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown, and as amended has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 118. NAMING THE NEW BRIDGE AT KOWALIGA "THE HANK WILLIAMS-KOWALIGA BRIDGE".

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Harrison, the Senate concurred in and adopted the following House amendment to the Resolution, S. J. R. 118, the title of which is set out in the foregoing Message from the House, to-wit:

HOUSE SUBSTITUTE FOR S. J. R. 118

NAMING THE NEW BRIDGE AT KOWALIGA "THE HANK WILLIAMS-KOWALIGA BRIDGE".

WHEREAS, Hank Williams was born near the Mount Olive Community in Butler County, Alabama, and is one of our state's most talented and well known citizens; and

WHEREAS, he is a member of the Country Music Hall of Fame and his gravesite in Montgomery, Alabama, is visited by thousands of persons who come to pay their respects to one of the world's most prolific composers of country music and one whose genius is acknowledged and acclaimed in all corners of the world; and

WHEREAS, the Memorial and Country Music Celebration, held each year in June near his birthplace, is also attended by thousands of Hank Williams' fans who come to honor his great achievements in country music; and

WHEREAS, at Kowaliga, near Lake Martin, still stands yet another outstanding attraction, that ". . . Poor Old Wooden Indian," which served as the inspiration for one of Hank Williams' most popular compositions and one that is still played and sung by country music "greats" almost as often today as when it was first written; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in honor and in memory of a beloved native son, we hereby name and designate the new bridge at Kowaliga, "THE HANK WILLIAMS-KOWALIGA BRIDGE".

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Hank Williams, Jr., that he may be aware of this honorary designation in memory of his father who brought much fame and honor to the State of Alabama.

RESOLUTIONS

Mr. deGraffenried offered the following Senate Joint Resolution, to-wit:

S. J. R. 144. MOURNING THE DEATH OF MR. WARD W. McFARLAND, PROMINENT LAND DEVELOPER AND FORMER DIRECTOR OF THE ALABAMA STATE HIGHWAY DEPARTMENT AND OF THE ALABAMA STATE DOCKS.

WHEREAS, the Legislature of Alabama expresses deep regret, grievously mourning the death of Mr. Ward W. McFarland of Tuscaloosa, Alabama, on June 1, 1979, at the age of 64; and

WHEREAS, a native of Tuscaloosa and a member of the First United Methodist Church, Ward McFarland was a graduate of Tuscaloosa High School, the University of Alabama and of the University's School of Law in 1937; he taught Economics at the University of Alabama from 1935 to 1937, practiced Law from 1937 until 1942, then served as Captain, United States Air Force, during World War II and until his discharge in 1946; and

WHEREAS, appointed by former Governor James E. Folsom, Mr. McFarland served from 1947 until 1951 as Director of the Alabama State Highway Department, to later serve under Governor Folsom, in 1955-57, as Director of the State Docks; and

WHEREAS, as chairman of the Industrial Development Committee of the Tuscaloosa Chamber of Commerce, he was named Outstanding Member in 1965, primarily for bringing Butte Knit and Olympia Mills to Tuscaloosa and the West Alabama area; and

WHEREAS, Mr. McFarland was active in the development of numerous malls and shopping centers, as well as apartments, subdivisions and other businesses in Tuscaloosa and Northport, and also had interests in subdivisions and commercial properties elsewhere in Alabama and in Georgia, Louisiana and Florida; and

WHEREAS, as one of our state's most outstanding and contributing citizens, Ward McFarland's death has left an irreplaceable void in the hearts and lives of all our citizens; he was an extraordinary leader in civic and community affairs as well as in the business and political areas of the entire State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Ward W. McFarland and extend our heartfelt sympathy to his wife, Mrs. Frances McFarland, and to their sons, Ward and Bill, to whom copies of this resolution shall be sent as an expression of our deep regret and sadness in their great loss.

On motion of Mr. deGraffenried, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. deGraffenried, Robertson, and Cook offered the following Senate Joint Resolution, to-wit:

S. J. R. 145. COMMENDING DR. WILLIAM ROBERT WILLARD UPON HIS RETIREMENT.

WHEREAS, having learned of the announced retirement of Dr. William R. Willard after seven years of service to the University of Alabama and more than forty years of service in the fields of medicine and health sciences, the Alabama Legislature is pleased to recognize his many outstanding accomplishments in these vital areas; and

WHEREAS, Dr. Willard received his Bachelor of Science degree, his Doctor of Medicine degree and a Doctoral of Public Health degree from Yale University and further was awarded an Honorary Doctor of Science degree by Transylvania University; he also was certified by the American Board of Preventive Medicine and Public Health; and

WHEREAS, during military service, from 1944 to 1946, his major assignment was with the United States Army Military Government in Korea as Acting Director, Department of Public Health and Welfare; and

WHEREAS, Dr. Willard's prestigious career positions include capable service as Dean of Medicine at three institutions; Upstate Medical Center, the University of Kentucky and the University of Alabama's College of Community Health Sciences as Professor and founding Dean since 1972; adn

WHEREAS, under Dr. Willard's leadership, the College of Community Health Sciences has grown to 73 full and part-time faculty and the department has completed a five million dollar capital construction program; he further has provided direction for the development of joint programs between the College of Community Health Sciences and other components of the University emphasizing allied health; and

WHEREAS, Dr. Willard has been recognized nationally for his extraordinary contributions in the development of medical education and is the recipient of the Abraham Flexner Award of the Association of American

Medical Colleges, the Distinguished Service Award of the American Board of Family Practice and the Distinguished Service Award of the American Medical Association; he also is affiliated with numerous professional and civic organizations and societies, has served in consultant capacity for Medical school Development and/or Medical Education with a number of universities nationwide, and has authored some forty-two publications; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Dr. William Robert Willard on his distinguished career and express our deep appreciation for his outstanding service to the University of Alabama's College of Community Health Sciences.

BE IT FURTHER RESOLVED, That Dr. Willard receive a copy of this resolution as evidence of our esteem and that he may know of our warm best wishes for every continued success.

On motion of Mr. deGraffenried, the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Clark:

H. J. R. 273. REQUESTING THE ALABAMA CONGRESSIONAL DELEGATION TO INVESTIGATE LOBBYING BY THE LEGAL SERVICES CORPORATION OF ALABAMA.

WHEREAS, the Legal Services Corporation of Alabama is a federally funded non-profit corporation which is forbidden by federal law to attempt to influence the passage or defeat of state legislation, except at the request of a particular legislator; and

WHEREAS, the Alabama Legislature has observed that the Legal Services Corporation of Alabama has been lobbying on a variety of business matters on a daily basis during the current session, without having been invited to do so; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby respectfully request the Alabama Congressional Delegation to initiate an investigation of this lobbying by the Legal Services Corporation to ensure that this activity complies with the applicable federal law.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 273, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Sandusky and Waggoner:

H. J. R. 279. JOINT RESOLUTION RECOGNIZING THE CENTENNIAL OF STANDARD OIL COMPANY OF CALIFORNIA AND THE CONTRIBUTIONS THE COMPANY HAS MADE TO OUR STATE AND NATION IN ITS FIRST 100 YEARS.

WHEREAS, 1979 marks the completion of 100 years of operations by Standard Oil Company of California, and

WHEREAS, the Company has grown from a provider of petroleum in the far West to a major supplier of petroleum energy for the Nation as a whole and for the entire Free World, and

WHEREAS, the Company, responding to societal needs, has traditionally participated in a broad variety of projects that improve the quality of life in the communities where it operates, and

WHEREAS, the Company has long-standing and extensive programs to further education and stimulate cultural enrichment, and

WHEREAS, over the years the Company has supported positive and balanced conservation of all natural resources, and taken precautions reasonably necessary to protect the environment wherever the Company operates, and

WHEREAS, since 1961, Standard Oil Company of California has been an active member of the business community of the State of Alabama, and

WHEREAS, the Company contributes to the economy with its payroll, purchase of goods and services, dividends to stockholders, and taxes; now, therefore

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALABAMA, Both Houses thereof concurring, That on the occasion of its centennial, we do hereby recognize the many economic and social contributions which Standard Oil Company of California has made to the State of Alabama and to the Nation as a whole.

BE IT FURTHER RESOLVED, that copies of this resolution be furnished to the President of Standard Oil Company of California and to members of the Capitol Press Corps.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. McDonald, the Rules were suspended and the Resolution, H. J. R. 279, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointments of The Right Rev. Oscar H. Lipscomb, the Honorable Sidney McDonald, Mr. William Mitchell, and Mr. James E. Simpson to the Board of Trustees of the Archives and History Department.

On motion of Mr. McDonald, the appointment of Msgr. Lipscomb was confirmed by the Senate.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Denton	Holmes	Miller
Bailey	Glass	Keener	Proctor
Britnell	Goodwin	Lemaster	Robertson
Callahan	Gulledge	Little	Vacca
deGraffenried	Hall	McDonald	White

—19

Nays: —0

On motion of Mr. McDonald, the appointment of Mr. McDonald was confirmed by the Senate.

Yeas 19; Nays 0.

Yeas:

Meessrs.:	Denton	Holmes	Miller
Bailey	Glass	Keener	Proctor
Britnell	Goodwin	Lemaster	Robertson
Callahan	Gulledge	Little	Vacca
deGraffenried	Hall	McDonald	White

—19

Nays: —0

On motion of Mr. McDonald, the appointment of Mr. Mitchell was confirmed by the Senate.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Denton	Holmes	Miller
Bailey	Glass	Keener	Proctor
Britnell	Goodwin	Lemaster	Robertson
Callahan	Gulledge	Little	Vacca
deGraffenried	Hall	McDonald	White

—19

Nays: —0

On motion of Mr. McDonald, the appointment of Mr. Simpson was confirmed by the Senate.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Britnell	deGraffenried	Glass
Bailey	Callahan	Denton	Goodwin

Gulledge	Keener	McDonald	Robertson
Hall	Lemaster	Miller	Vacca
Holmes	Little	Proctor	White

—19

Nays: —0

LOCAL BILLS ON THIRD READING

The Bill:

S. 623. Relating to Franklin County to authorize the tax assessor, tax collector and judge of probate to hire clerical assistants, to assist him in the performance of his duties.

was taken up.

Mr. Britnell offered the following substitute for the Bill, S. B. 623, to-wit:

SUBSTITUTE FOR S. B. 623

A BILL
TO BE ENTITLED
AN ACT

Relating to Franklin County; to authorize the tax assessor, tax collector and Judge of Probate to hire clerical assistants, to assist him in the performance of his duties.

Be It Enacted by the Legislature of Alabama:

Section 1. In Franklin County, the tax assessor, tax collector and Judge of Probate each are hereby authorized to appoint not less than one (1) clerk and any additional clerks to assist him in the performance of his duties. Such clerks as are appointed under the provisions of this act shall serve at the pleasure of the officer making such appointment.

Section 2. Such clerks as are appointed under the provisions of this act shall be paid a salary to be fixed by the county commission. Such salary to be set in accordance with adopted county personnel policy to be paid out of the county general fund. The County Commission is hereby authorized to increase the number of clerks in the aforesaid offices when in the judgment of the commission that a need exists.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Cook	Goodwin	Holmes
Bailey	Denton	Gulledge	Keener
Britnell	Glass	Hall	Kirkland

Little	Parsons	St. John	Vacca	
Martin	Pearson	Smith	Weeks	
Miller	Proctor	Teague	White	
Mitchem	Robertson			—25

Nays: —0

And said Bill, S. B. 623, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Gulledge	Miller	St. John	
Bailey	Hall	Mitchem	Smith	
Britnell	Holmes	Parsons	Teague	
Cook	Keener	Pearson	Vacca	
Denton	Kirkland	Proctor	Weeks	
Glass	Little	Robertson	White	
Goodwin	Martin			—25

Nays: —0

The Bill:

S. 622. To repeal Act No. 1220, S. 618, Regular Session 1973, (Acts 1973, p. 2068) entitled "An Act To authorize the Tax Assessor, Tax Collector, and Clerk of the Circuit Court, Circuit Judge, Judge of Probate Court and Judge of the Intermediate Court in all counties having a population of not less than 23,900 nor more than 24,450 to hire clerical assistants, to set the compensation of such assistants, and to provide that the salaries of such assistants be paid from the general funds of such Counties."

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Gulledge	Miller	St. John	
Bailey	Hall	Mitchem	Smith	
Britnell	Holmes	Parsons	Teague	
Cook	Keener	Pearson	Vacca	
Denton	Kirkland	Proctor	Weeks	
Glass	Little	Robertson	White	
Goodwin	Martin			—25

Nays: —0

The Bill:

S. 624. Relating to Franklin County; providing further for the compensation of election officials.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Gulledge	Martin	St. John	
Bailey	Hall	Miller	Smith	
Britnell	Holmes	Mitchem	Teague	
Cook	Keener	Parsons	Vacca	
Denton	Kirkland	Pearson	Weeks	
Glass	Lemaster	Proctor	White	
Goodwin	Little			—25

Nays: —0

The Bill:

S. 625. Relating to Franklin County; providing further for the distribution of the payments made in lieu of ad valorem taxes by the Tennessee Valley Authority as authorized by Section 40-28-2, Code of Alabama 1975.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Hall	Miller	Smith	
Bailey	Holmes	Mitchem	Teague	
Britnell	Keener	Parsons	Vacca	
Denton	Kirkland	Proctor	Weeks	
Glass	Little	Robertson	White	
Goodwin	Martin	St. John		—25
Gulledge	McDonald			

Nays: —0

The Bill:

S. 628. To amend Act No. 871 (1969 Regular Session H. 1200, p. 1520) relating to law enforcement so as to fix the fee for the issuance of pistol permits in Autauga County and to regulate the disposition and use of such fees, so as to provide further for the disposition and use of such fees; to provide that the provisions of this Act shall be severable; and to repeal all laws and parts of laws in conflict with this Act.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Glass	McDonald	St. John	
Bailey	Goodwin	Miller	Smith	
Barron	Hall	Mitchem	Teague	
Britnell	Holmes	Parsons	Vacca	
Cook	Keener	Pearson	Weeks	
Denton	Kirkland	Proctor	White	
Figures	Little			—25

Nays: —0

The Bill:

S. 629. To create the office of supernumerary sheriff for Autauga County and to prescribe the qualifications, duties, appointment, elections and salary of such office.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following substitute for the Bill, S. B. 629, to-wit:

COMMITTEE SUBSTITUTE FOR S. B. 629

A BILL
TO BE ENTITLED
AN ACT

To create the office of supernumerary sheriff for Autauga County and to prescribe the qualifications, duties, appointment, elections and salary of such office.

Be It Enacted by the Legislature of Alabama:

Section 1. Any sheriff or any person who has served as sheriff of Autauga County:

(a) Who has had twelve (12) years of service as a law enforcement officer, four (4) of which have been as a sheriff and who has become permanently and totally disabled, proof of such disability being made by certificate of three reputable physicians; or

(b) who has had twenty (20) years of service as an Autauga County law enforcement officer, twelve (12) of which have been as a sheriff of Autauga County and who has reached the age of fifty-two (52) years, may elect to become a supernumerary sheriff of the county by filing a written declaration to that effect with the Governor not more than 90 days prior to the end of the twenty-year period or reaching age of fifty-two years, both having been fulfilled, or at any time thereafter. If the Governor shall find that any such declarant is qualified under either subdivision (a) or (b), hereinabove set forth, he shall then issue such declarant a commission as supernumerary sheriff. The office of sheriff made vacant by the election of such declarant shall be filled by appointment of the Governor as now provided by law. This section shall apply only to sheriffs who have been elected to that office.

Section 2. The governing body of each county shall begin deducting, upon the effective date of this Act and each month thereafter, from the salaries of such sheriffs an amount equal to six percent (6%) of the monthly salary paid such sheriff. Such sum shall be deducted monthly and paid into the Sheriff's Retirement Fund of the county. If any sheriff, subject to the provisions of this Act, shall end his tenure of office prior to having reached age of fifty-two years, but having had twenty years of service as an Autauga County law enforcement officer, twelve of which have been as sheriff of Autauga County, his supernumerary allowance as set out in Section 3 of this Act shall be vested and held in the Sheriff's Retirement Fund of the county until he attains age fifty-two at which time, or any time thereafter, he may elect to become a supernumerary sheriff as set out in Section 1 of this Act. If any sheriff, subject to the provisions of this Act, shall end his tenure of office prior to having had twenty years of service as an Autauga County law enforcement officer, twelve of which were served as sheriff of Autauga County as provided herein, an amount equal to the total paid by him into the

Sheriff's Retirement Fund of the county under the provisions of this section shall be repaid to him. In the event a sheriff should die in office prior to his eligibility or his election to be commissioned a supernumerary sheriff, then, in that event, the total amount paid by him to the Sheriff's retirement Fund of the county hereunder shall be paid to his named beneficiary. In the event of the death of any supernumerary sheriff in whose favor a monthly retirement allowance is accruing, his spouse shall be entitled to a monthly allowance equal to fifty per centum (50%) of the retirement allowance the supernumerary sheriff was receiving when he died, as hereinafter specified. No spouse shall receive any benefits under this Act unless such spouse was married to the deceased supernumerary sheriff at the time of his death. Any benefits payable to any spouse under the provisions of this Act shall terminate upon the remarriage of the spouse.

Section 3. Those persons eligible under either Sections 1(a) or 1(b) of this Act, having served twenty (20) years as an Autauga County law enforcement officer, twelve of which were served as sheriff of Autauga County shall be entitled to receive an amount equal to fifty percent (50%) of the monthly salary paid such person at the time of the completion of his service in office, and shall be entitled to receive an additional amount equal to one percent (1%) of such person's said monthly salary for each additional year of service over and above twenty (20) years at the time of the termination of such person's tenure in office, but in no event shall any person receive payments pursuant to both the supernumerary and disability supernumerary provisions simultaneously. All such payments shall be paid from the Sheriff's Retirement Fund, supplemented as needed from the general fund of the county in which said eligible person is serving upon his election to become a supernumerary sheriff or to become a supernumerary sheriff due to disability.

Section 4. Those persons eligible under Sections 1(a) or 1(b) and Section 3 of this Act that may elect to become a supernumerary sheriff shall be entitled to receive a cost of living increase as the remuneration of the office of sheriff increases from which the supernumerary sheriff elected to vacate. Said cost of living increase shall be equal to the percentage allowed said supernumerary sheriff of the present sheriff's remuneration.

Section 5. If any sheriff is eligible for retirement benefits under any other county, state or municipal retirement plan or Act, then, in that event, he shall elect the plan or Act in which he desires to participate and shall so notify the proper authority within sixty days after he becomes eligible for any payments under this Act. It is further provided, however, that such election shall not affect any such person's entitlement to benefits under the provisions of Act No. 999, H. 288, 1969 Regular Session (Acts 1969, p. 1815).

Section 6. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 7. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 8. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Miller	St. John	
Bailey	Goodwin	Mitchem	Smith	
Barron	Hall	Parsons	Teague	
Britnell	Holmes	Pearson	Vacca	
Callahan	Keener	Proctor	Weeks	
Cook	Little	Robertson	White	
Denton	McDonald			—25

Nays: —0

And said Bill, S. B. 629, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Miller	St. John	
Bailey	Goodwin	Mitchem	Smith	
Barron	Hall	Parsons	Teague	
Britnell	Holmes	Pearson	Vacca	
Callahan	Keener	Proctor	Weeks	
Cook	Little	Robertson	White	
Denton	McDonald			—25

Nays: —0

The Bill:

S. 638. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Alexander City, in Tallapoosa County.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	McDonald	St. John	
Bailey	Glass	Miller	Smith	
Barron	Goodwin	Parsons	Teague	
Britnell	Hall	Pearson	Vacca	
Callahan	Holmes	Proctor	Weeks	
Cook	Keener	Robertson	White	
Denton	Little			—25

Nays: —0

The Bill:

H. 603. Relating to Walker County; to allow tax assessment on a year-round basis and to require the probate judge to make available to the tax assessor any deed recording transaction within 30 days of the recording date.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Little	Proctor	
Bailey	Glass	Martin	St. John	
Barron	Goodwin	Miller	Teague	
Britnell	Hall	Mitchem	Vacca	
Callahan	Holmes	Parsons	Weeks	
Cook	Keener	Pearson	White	
Denton	Lemaster			—25

Nays: —0

The Bill:

H. 702. Relating to Shelby County, to repeal Act No. 700, H. 737, 1976 Regular Session (Acts of Alabama 1976, p. 967), which act provides for the rehabilitation of Shelby County prisoners through work-release and other programs.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Kirkland	St. John	
Bailey	Glass	Little	Smith	
Barron	Goodwin	Miller	Teague	
Britnell	Gulledge	Mitchem	Vacca	
Callahan	Hall	Parsons	Weeks	
Cook	Holmes	Proctor	White	
Denton	Keener			—25

Nays: —0

The Bill:

H. 721. To authorize and require the City of Eufaula located in Barbour County to fix rules and regulations for the sale of alcoholic beverages within the premises of any state park located in such City.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Glass	Lemaster	Proctor	
Bailey	Goodwin	Little	Robertson	
Britnell	Gulledge	Martin	St. John	
Callahan	Hall	Miller	Smith	
Cook	Higginbotham	Parsons	Teague	
Denton	Keener	Pearson	Weeks	
Figures	Kirkland			—25

Nays: —0

The Bill:

H. 755. Relating to Lauderdale County; to further amend Act No. 296 enacted at the 1949 Regular Session of the Legislature of the State of Alabama, as amended by Act No. 470 enacted at the 1959 Regular Session of the Alabama Legislature, and as further amended by Act No. 548 enacted at the 1975 Regular Session of the Alabama Legislature, relative to privilege or license taxes and excise taxes levied by said Act No. 296 in Lauderdale County outside the city limits of the City of Florence and in the City of Florence, Lauderdale County, by amending Section 11 of said Act No. 296 to provide that all revenues arising from the taxes thereby levied applicable to Lauderdale County outside the city limits of the City of Florence shall be used exclusively for public school purposes and solely for capital outlay, construction and maintenance of the county public schools of Lauderdale County, provided that in the event the Governor shall restrict allotments of educational appropriations made by the Legislature to prevent an overdraft or deficiency in any fiscal year for which such educational appropriations are made by prorating the available revenues among the various departments, boards, bureaus, commissions, agencies, offices and institutions of the State, the said revenues from the tax levied by said Act No. 296 applicable to Lauderdale County outside the city limits of the City of Florence may, in the discretion of the County Board of Education of Lauderdale County, also be used in such fiscal year for general educational purposes, including the payment of teachers' salaries, other current school expenses and the cost of school transportation; subject, however, to all pledges of the revenues from said taxes heretofore or hereafter made to Warrants or other obligations of the County Board of Education of Lauderdale County; and to amend Section 12 of said Act No. 296 to provide that all revenues arising from the tax thereby levied applicable to the City of Florence shall be used exclusively for public school purposes and solely for capital outlay, construction and maintenance of city public schools and the payment of teachers' salaries and other current school expenses, including costs of school transportation, subject, however, to all pledges of the revenues from said taxes heretofore or hereafter made to Warrants or other obligations of the City Board of Education of the City of Florence.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Glass	Martin	St. John	
Bailey	Hall	McDonald	Smith	
Barron	Holmes	Miller	Teague	
Britnell	Keener	Mitchem	Vacca	
Callahan	Kirkland	Parsons	Weeks	
Cook	Lemaster	Robertson	White	
Denton	Little			—25

Nays: —0

The Bill:

H. 763. Relating to Fayette County; giving the county governing body certain powers in regard to maintaining roads and rights-of-way leading to homes or residences on private property.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Glass	Miller	St. John	
Bailey	Hall	Mitchem	Smith	
Britnell	Holmes	Parsons	Teague	
Cook	Keener	Pearson	Vacca	
deGraffenried	Kirkland	Proctor	Weeks	
Denton	Little	Robertson	White	
Figures	Martin			—25

Nays: —0

The Bill:

H. 802. Relating to Lauderdale County; to amend Act 457, H. 1055, 1975 Regular Session (Acts 1975, p. 1084) which relates to parking facilities near the county courthouse so as to further regulate said parking facilities.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Gulledge	Miller	St. John	
Bailey	Hall	Mitchem	Smith	
Barron	Holmes	Parsons	Teague	
Britnell	Keener	Pearson	Vacca	
Callahan	Kirkland	Proctor	Weeks	
Cook	Little	Robertson	White	
Denton	McDonald			—25

Nays: —0

The Bill:

H. 895. Relating to St. Clair County; to amend Act No. 515, H. 1028, Regular Session 1969 (Acts 1969, p. 985) entitled "An Act Relating to St. Clair County; levying a privilege license or excise tax upon sellers, distributors or users of malt or brewed beverages, said privilege license or excise tax to vary in amount based upon the location within St. Clair County where said sale of malt or brewed beverages is consummated; providing for the administration of this act and the collection and use of the proceeds of the tax; providing penalties for violations," so as to levy further a privilege, license or excise tax upon sellers, distributors, or users of malt or brewed beverages and to provide further for the distribution of the proceeds of said tax; and to provide for its retroactive effect.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Glass	McDonald	Robertson	
Bailey	Gulledge	Miller	St. John	
Barron	Hall	Mitchem	Smith	
Britnell	Holmes	Parsons	Teague	
Cook	Keener	Pearson	Weeks	
Denton	Little	Proctor	White	
Figures	Martin			—25

Nays: —0

The Bill:

H. 897. Relating to Lauderdale County, providing that the Probate Judge shall appoint one or more regular clerks in the probate office as deputy registrars empowered to take applications for voter registration at any time the probate office is open for business.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Glass	Miller	St. John	
Bailey	Hall	Mitchem	Smith	
Barron	Holmes	Parsons	Teague	
Britnell	Keener	Pearson	Vacca	
Callahan	Little	Proctor	Weeks	
Cook	Martin	Robertson	White	
Denton	McDonald			—25

Nays: —0

The Bill:

H. 902. To repeal Act No. 247, H. 937, approved August 6, 1976, Regular Session 1976 (Acts 1976, p. 285), entitled, "An Act Relating to the counties having a population of not less than 65,500 nor more than 75,200 inhabitants according to the most recent federal decennial census; authorizing the governing body of such counties to authorize the Sheriff of the county to employ a cook at the jail, empowering the governing body of the county to fix the compensation of such cook and providing for the payment thereof out of the general funds of the county, retroactive to January 1, 1975."

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Glass	Little	St. John	
Bailey	Goodwin	Martin	Smith	
Barron	Gulledge	Miller	Teague	
Britnell	Hall	Mitchem	Vacca	
Callahan	Holmes	Parsons	Weeks	
Cook	Keener	Proctor	White	
Denton	Kirkland			—25

Nays: —0

The Bill:

H. 903. Relating to Lauderdale County; authorizing the governing body of said county to authorize the Sheriff of the county to employ a cook at the jail; empowering the governing body of said county to fix the compensation of such cook and providing for the payment thereof out of the general funds of the county.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Glass	Little	St. John	
Bailey	Goodwin	Martin	Smith	
Barron	Gulledge	Miller	Teague	
Britnell	Hall	Mitchem	Vacca	
Callahan	Holmes	Parsons	Weeks	
Cook	Keener	Proctor	White	
Denton	Kirkland			—25

Nays: —0

The Bill:

S. 604. Relating to Cullman County; to establish a county personnel board; to provide for the appointment, and compensation of the members; and to provide for the powers, duties and authority of the personnel board in the personnel administration of the county.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Barron	Cook	Figures
Bailey	Britnell	Denton	Glass

Hall	Little	Parsons	Teague	
Holmes	Martin	Pearson	Vacca	
Keener	McDonald	Proctor	Weeks	
Kirkland	Miller	St. John	White	
Lemaster	Mitchem			—25

Nays: —0

The Bill:

S. 605. Relating to Cullman County; to provide for the construction, repair, and maintenance of roads and bridges; to provide for the powers and duties of the county commission and the state highway department in this respect; to provide for the transfer of certain equipment, funds and personnel; to provide for the appointment of a county engineer; to provide for the compensation of all county road employees; to provide a salary supplement for members of the county commission; and to provide for approval by the electors of Cullman County as an alternate means of effectuating the provisions hereof.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Glass	Martin	Proctor	
Bailey	Hall	McDonald	St. John	
Barron	Holmes	Miller	Teague	
Britnell	Keener	Mitchem	Vacca	
Cook	Kirkland	Parsons	Weeks	
Denton	Lemaster	Pearson	White	
Figures	Little			—25

Nays: —0

The Bill:

S. 636. Relating to Marshall County; to provide further for the powers and duties of the county commission; to ratify and confirm certain expenditures heretofore made to the custodian of voting machines; and to provide further for the method of compensation of said custodian by the county commission.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Britnell	Denton	Goodwin
Bailey	Callahan	Figures	Gulledge
Barron	Cook	Glass	Hall

Holmes	Martin	St. John	Vacca	
Keener	Mitchem	Smith	Weeks	
Lemaster	Pearson	Teague	White	
Little	Proctor			—25

Nays: —0

The Bill:

S. 639. Relating to Jackson County; to provide for the distribution of funds received by the county from payments in lieu of taxes made by the Tennessee Valley Authority.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Glass	Miller	St. John	
Bailey	Hall	Mitchem	Smith	
Barron	Holmes	Parsons	Teague	
Britnell	Keener	Pearson	Vacca	
Cook	Lemaster	Proctor	Weeks	
Denton	Little	Robertson	White	
Figures	McDonald			—25

Nays: —0

The Bill:

S. 640. Relating to Jackson County; relating to the county commission; creating a department of public works for the county; providing for the construction, maintenance and repair of county roads and bridges; providing for the classification and responsibilities of certain employees and their compensation therefor; providing for duties of a county engineer; establishing temporary additional expense allowances for the chairman and members of the Jackson County Commission for a period during the transition from a "captive county" highway program to a county system; and providing that the provisions of this act shall be contingent on the passage of certain legislation.

was taken up.

Mr. Lemaster offered the following amendment to the Bill, S. B. 640, to-wit:

AMENDMENT TO S. B. 640

Amend Senate Bill No. 640 Page 7 Line 21, by striking out 300 (three hundred) after the word and insert $100.00 (one hundred)

Line 23, strike out two hundred and insert $1.00 (one dollar)

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	McDonald	St. John	
Bailey	Glass	Miller	Smith	
Barron	Hall	Mitchem	Teague	
Britnell	Holmes	Parsons	Vacca	
Callahan	Keener	Proctor	Weeks	
Cook	Lemaster	Robertson	White	
Denton	Little			—25

Nays: —0

And said Bill, S. B. 640, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	McDonald	St. John	
Bailey	Glass	Miller	Smith	
Barron	Hall	Mitchem	Teague	
Britnell	Holmes	Parsons	Vacca	
Callahan	Keener	Proctor	Weeks	
Cook	Lemaster	Robertson	White	
Denton	Little			—25

Nays: —0

The Bill:

S. 641. Relating to Dekalb County; relating to the county commission; creating a department of public works for the county; providing for the construction, maintenance and repair of county roads and bridges; providing for the classification and responsibilities of certain employees and their compensation therefor; providing for duties of a county engineer; establishing temporary additional expense allowances for the chairman and members of the Dekalb County Commission for a period during the transition from a "captive county" highway program to a county system; and providing that the provisions of this act shall be contingent on the passage of certain legislation.

was taken up.

Mr. Lemaster offered the following amendment to the Bill, S. B. 641, to-wit:

AMENDMENT TO S. B. 641

Amend Senate Bill No. 641 Page 7 Line 21, by striking out three hundred dollars after the word and inserting $2.00 (two dollars)

Line 23 strike out two hundred dollars and insert $1.00 (one dollar)

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Little	St. John	
Bailey	Glass	McDonald	Smith	
Barron	Goodwin	Mitchem	Teague	
Britnell	Hall	Pearson	Vacca	
Callahan	Holmes	Proctor	Weeks	
Cook	Keener	Robertson	White	
Denton	Lemaster			—25

Nays: —0

And said Bill, S. B. 641, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Little	St. John	
Bailey	Glass	McDonald	Smith	
Barron	Goodwin	Mitchem	Teague	
Britnell	Hall	Pearson	Vacca	
Callahan	Holmes	Proctor	Weeks	
Cook	Keener	Robertson	White	
Denton	Lemaster			—25

Nays: —0

The Bill:

H. 397. Relating to Marengo County; to provide for the mileage allowance of the county coroner, to make this act retroactive.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Martin	St. John	
Bailey	Goodwin	Miller	Smith	
Barron	Hall	Mitchem	Teague	
Britnell	Holmes	Parsons	Vacca	
Callahan	Keener	Proctor	Weeks	
Cook	Kirkland	Robertson	White	
Denton	Little			—25

Nays: —0

The Bill:

H. 426. Relating to the eighteenth judicial circuit of Alabama; to amend the title and Section 1 of Act No. 119, H. 52, 1975 Third Special Session (Acts of 1975, p. 347), entitled "An Act To provide an expense allowance to the official court reporter, for Circuit Judge Place No. 1 of the eighteenth judicial circuit of Alabama payable by the counties composing said circuit" as last amended, so as to provide an expense allowance to the official court reporter for Circuit Judge Place No. 3 of the eighteenth judicial circuit of Alabama.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Little	St. John	
Bailey	Glass	Martin	Smith	
Barron	Gulledge	Miller	Teague	
Britnell	Hall	Mitchem	Vacca	
Callahan	Harrison	Parsons	Weeks	
Cook	Holmes	Proctor	White	
Denton	Kirkland			—25

Nays: —0

The Bill:

H. 607. To provide for a personnel board for employees of county law enforcement officers in Shelby County; to provide for the compensation, terms of office and compensation for members of said board; to authorize the board to regulate, by promulgation of rules and regulations, appointments, qualifications, tenures, salaries, promotions and dismissals of said employees; to provide for the duties and functions of the board; to provide for a hearing and appeal procedure for employees who have had disciplinary action taken against them; to provide a procedure for the board for accepting and filing applications for employment within county law enforcement offices and providing for the appointment of qualified applicants to such positions; to provide for a procedure for hearing complaints within the various law enforcement offices; to grant certain powers of deposition and subpoena to the board for the facilitation of the board's hearings and investigations; to provide that all meetings of the board shall be open to the public; to provide appeal to the circuit court for adverse decisions of the board; to prohibit employees under control of the board from participating in certain political activities; to provide that the board's expenses of operation shall be financed from the proceeds of an additional tax on county sales of beer and brewed beverages enacted at the 1977 legislative session; to provide a procedure whereby municipalities may come under the provisions hereof; to provide penalties for violations of any provisions of the act; to repeal conflicting laws; and to provide for its effective date.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Martin	St. John	
Bailey	Glass	McDonald	Smith	
Barron	Hall	Miller	Teague	
Britnell	Holmes	Mitchem	Vacca	
Callahan	Keener	Parsons	Weeks	
Cook	Kirkland	Proctor	White	
Denton	Little			—25

Nays: —0

The Bill:

H. 820. To repeal Act No. 2362, H. 144, Regular Session 1971 (Acts 1971, p. 3795), entitled, "An Act Relating to counties having populations of not less than 16,600 nor more than 16,950, fixing the fee for issuance of a pistol permit by the sheriff and providing for the disposition and use of such fees."

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Martin	Proctor	
Bailey	Glass	McDonald	St. John	
Barron	Hall	Miller	Teague	
Britnell	Holmes	Mitchem	Vacca	
Callahan	Keener	Parsons	Weeks	
Cook	Kirkland	Pearson	White	
Denton	Little			—25

Nays: —0

The Bill:

H. 822. Relating to Winston County; fixing the fee for the issuance of pistol permits by the sheriff, providing for the deposit of such fees in a sheriff's fund, and providing for the use of such fund.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Martin	Proctor	
Bailey	Glass	McDonald	St. John	
Barron	Hall	Miller	Teague	
Britnell	Holmes	Mitchem	Vacca	
Callahan	Keener	Parsons	Weeks	
Cook	Kirkland	Pearson	White	
Denton	Little			—25

Nays: —0

The Bill:

H. 828. To amend Section 2 of Act No. 414, H. 744, Regular Session of 1978 (Acts 1978, p. 411) entitled "An Act relating to Dallas County; to provide a District Attorney's Fund for Dallas County; and to provide an expense supplement for the District Attorney, Deputy District Attorney or the Assistant District Attorney serving as Deputy District Attorney and the part-time Assistant District Attorney for Dallas County from the District Attorney's Fund" so as to provide further for such expense supplement.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Martin	St. John	
Bailey	Goodwin	Miller	Smith	
Barron	Hall	Mitchem	Teague	
Britnell	Holmes	Parsons	Vacca	
Callahan	Keener	Proctor	Weeks	
Cook	Kirkland	Robertson	White	
Denton	Little			—25

Nays: —0

The Bill:

H. 850. Relating to Lee County; authorizing the Lee County Commission to set the allocations for clerk hire allowances in the offices of the probate judge, the tax assessor and the tax collector, respectively; and repealing conflicting laws.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	McDonald	St. John	
Bailey	Glass	Miller	Smith	
Barron	Hall	Mitchem	Teague	
Britnell	Higginbotham	Parsons	Vacca	
Callahan	Keener	Pearson	Weeks	
Cook	Kirkland	Proctor	White	
Denton	Little			—25

Nays: —0

The Bill:

H. 862. Relating to Lee County; providing for purging the lists of registered voters; requiring and prescribing the procedure for the re-identification of registered voters; placing certain duties on the board of registrars, judge of probate, and the county governing body relative to the re-identification of registered voters; and providing a penalty for willfully making a false statement in connection with re-identification.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Little	Proctor	
Bailey	Glass	McDonald	Smith	
Barron	Goodwin	Miller	Teague	
Britnell	Hall	Mitchem	Vacca	
Callahan	Higginbotham	Parsons	Weeks	
Cook	Keener	Pearson	White	
Denton	Kirkland			—25

Nays: —0

The Bill:

H. 877. Relating to Coffee County; fixing the fee for the issuance of pistol permits and providing for the disposition of such fees.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Kirkland	Proctor	
Bailey	Glass	Little	Robertson	
Barron	Goodwin	Martin	St. John	
Britnell	Gulledge	Miller	Smith	
Callahan	Hall	Parsons	Teague	
Cook	Holmes	Pearson	Weeks	
Denton	Keener			—25

Nays: —0

The Bill:

H. 878. Relating to Coffee County; to provide further for the costs and charges of district and circuit courts and to provide for the disposition thereof.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Kirkland	Proctor	
Bailey	Glass	Little	Robertson	
Barron	Goodwin	Martin	St. John	
Britnell	Gulledge	Miller	Smith	
Callahan	Hall	Parsons	Teague	
Cook	Holmes	Pearson	Weeks	
Denton	Keener			—25

Nays: —0

The Bill:

H. 899. Relating to Elmore County; to provide a procedure for handling cases involving invalid personal checks given for licenses, and the voiding of such licenses.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Martin	St. John	
Bailey	Glass	Miller	Smith	
Barron	Harrison	Mitchem	Teague	
Britnell	Holmes	Parsons	Vacca	
Callahan	Keener	Pearson	Weeks	
Cook	Kirkland	Proctor	White	
Denton	Little			—25

Nays: —0

The Bill:

H. 900. Relating to Elmore County; to increase the compensation of members of the Board of Equalization.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Martin	Proctor	
Bailey	Glass	McDonald	Smith	
Barron	Harrison	Miller	Teague	
Britnell	Holmes	Mitchem	Vacca	
Callahan	Keener	Parsons	Weeks	
Cook	Kirkland	Pearson	White	
Denton	Little			—25

Nays: —0

The Bill:

H. 905. Relating to Colbert County; to provide further for the distribution of the payments made in lieu of ad valorem taxes by the Tennessee Valley Authority as authorized by Section 40-28-2, Code of Alabama 1975.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following amendment to the Bill, H. B. 905, to-wit:

COMMITTEE AMENDMENT TO H. B. 905

Amend House Bill 905 by inserting at the end of Section 1, the following new language:

"However, the payments which the municipal electric authorities make to the City of Tuscumbia, the City of Sheffield, and the City of Muscle Shoals shall continue to be made to those cities by those authorities just as was the practice prior to October 1, 1979 and such distribution formula provided in this section above shall not be construed to include said municipal electric authority payments to said municipalities but shall only include the amounts that the State of Alabama actually transfers to Colbert County."

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Holmes	Miller	St. John	
Bailey	Keener	Mitchem	Smith	
Britnell	Kirkland	Parsons	Teague	
Cook	Lemaster	Pearson	Vacca	
Denton	Little	Proctor	Weeks	
Glass	Martin	Robertson	White	
Hall	McDonald			—25

Nays: —0

And said Bill, H. B. 905, as thus amended, was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Holmes	Miller	St. John	
Bailey	Keener	Mitchem	Smith	
Britnell	Kirkland	Parsons	Teague	
Cook	Lemaster	Pearson	Vacca	
Denton	Little	Proctor	Weeks	
Glass	Martin	Robertson	White	
Hall	McDonald			—25

Nays: —0

The Bill:

H. 916. Proposing an amendment to the Constitution of 1901, as amended, to repeal Amendment No. 255 to the Constitution of 1901, relating to Winston County and referendums on local legislation.

was read a third time at length as required by the Constitution, and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Little	Proctor	
Bailey	Glass	Martin	St. John	
Barron	Goodwin	Miller	Teague	
Britnell	Hall	Mitchem	Vacca	
Callahan	Holmes	Parsons	Weeks	
Cook	Keener	Pearson	White	
Denton	Kirkland			—25

Nays: —0

The Bill:

H. 917. Relating to DeKalb County providing additional or supplemental laws applicable to sub-division regulations and public health in DeKalb County because of the porous sandy soil and sand rock structure of the soil in said county; providing that neither the State Department of Health nor any other state or local officer or agency shall withhold approval of any

sub-division or any lot therein nor withhold or refuse to issue a septic tank permit or health approval on any tract of land, which has topsoil of at least 36 inches over sandstone and has a percolation rate of one inch in 60 minutes or less.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Lemaster	St. John	
Bailey	Glass	Little	Smith	
Barron	Goodwin	McDonald	Teague	
Britnell	Gulledge	Mitchem	Vacca	
Callahan	Hall	Pearson	Weeks	
Cook	Holmes	Proctor	White	
Denton	Keener			—25

Nays: —0

The Bill:

H. 921. To amend Section 3 of Act No. 2182, H. 2753 of the Regular Session of 1971, (Acts 1971, p. 3489), relating to the civil service system of the City of Jacksonville, so as to provide a further exemption from the civil service provisions for any city librarian.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Martin	Robertson	
Bailey	Glass	Miller	St. John	
Barron	Hall	Mitchem	Smith	
Britnell	Harrison	Parsons	Teague	
Callahan	Holmes	Pearson	Weeks	
Cook	Kirkland	Proctor	White	
Denton	Little			—25

Nays: —0

The Bill:

H. 923. Relating to Chambers County; to authorize the Chambers county commission to establish Industrial Parks within the county; to provide for the designation and regulation of such Industrial Parks; to designate the facilities to be furnished and maintained by the Industrial Parks; to exempt Industrial Parks from annexation by municipalities; to exempt Industrial Parks from being included in the police jurisdiction of municipalities; and to confirm the rights and responsibilities of county commissions, including the right of taxation.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Little	Proctor	
Bailey	Glass	McDonald	Smith	
Barron	Goodwin	Miller	Teague	
Britnell	Hall	Mitchem	Vacca	
Callahan	Higginbotham	Parsons	Weeks	
Cook	Keener	Pearson	White	
Denton	Lemaster			—25

Nays: —0

The Bill:

H. 924. Relating to Chambers County; to provide for the salary and mileage allowance of the county coroner.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Little	Proctor	
Bailey	Glass	McDonald	Smith	
Barron	Goodwin	Miller	Teague	
Britnell	Hall	Mitchem	Vacca	
Callahan	Higginbotham	Parsons	Weeks	
Cook	Keener	Pearson	White	
Denton	Kirkland			—25

Nays: —0

The Bill:

H. 927. To provide for and prescribe the form of government of the City of Dothan, Alabama.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Glass	Martin	St. John	
Bailey	Hall	Miller	Smith	
Britnell	Holmes	Parsons	Teague	
Callahan	Keener	Pearson	Vacca	
Cook	Kirkland	Proctor	Weeks	
Denton	Lemaster	Robertson	White	
Figures	Little			—25

Nays: —0

The Bill:

H. 952. Relating to Marengo County; to repeal Section 15 of Act No. 311, H. 904, 1923 Regular Session (Acts 1923, p. 188), which act establishes the county governing body, so as to remove the requirements that the county

governing body annually inspect and examine public roads and bridges and meet for the purpose of hearing complaints and obtaining the views of the citizens of each district.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Little	Proctor	
Bailey	Goodwin	Martin	Smith	
Barron	Hall	Miller	Teague	
Britnell	Holmes	Mitchem	Vacca	
Callahan	Keener	Parsons	Weeks	
Cook	Kirkland	Pearson	White	
Denton	Lemaster			—25

Nays: —0

The Bill:

H. 955. Relating to Marengo County; to provide for the office of supernumerary sheriff; and to provide for the qualifications, salaries, and manner of payment of such salaries of any such supernumerary sheriffs.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Little	Proctor	
Bailey	Goodwin	Martin	Smith	
Barron	Hall	Miller	Teague	
Britnell	Holmes	Mitchem	Vacca	
Callahan	Keener	Parsons	Weeks	
Cook	Kirkland	Pearson	White	
Denton	Lemaster			—25

Nays: —0

The Bill:

H. 958. Relating to Lee County; providing a salary increase for the tax assessor.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	McDonald	St. John	
Bailey	Glass	Miller	Smith	
Barron	Hall	Mitchem	Teague	
Britnell	Higginbotham	Parsons	Vacca	
Callahan	Keener	Proctor	Weeks	
Cook	Kirkland	Robertson	White	
Denton	Little			—25

Nays: —0

CONSENT CALENDAR

The Bill:

S. 435. To amend Section 25-4-54 of the Code of Alabama 1975, relating to the Alabama Unemployment Compensation Act, by providing for the transfer of the unemployment benefit experience to a successor employer, if he originally became subject to the provisions of this Act by acquiring a segregable portion of another employer and acquired another segregable portion after October 1, 1978.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Goodwin	Lemaster	Robertson
Barron	Harrison	Little	St. John
Britnell	Higginbotham	Martin	Smith
deGraffenried	Holmes	McDonald	Vacca
Denton	Keener	Miller	Weeks

—19

Nays: —0

The Bill:

S. 513. To regulate further the hunting of migratory waterfowl; to provide for the issuance of migratory waterfowl stamps and for the collection of fees therefor; to provide for the procurement, development, restoration, maintenance, or preservation of wetlands for waterfowl habitat and for public waterfowl hunting areas; and to require the state department of conservation and natural resources to carry out the provisions of this act.

was taken up.

Under the provisions of Senate Rule 14 (4), Mr. Keener was granted unanimous consent to take up the Bill:

H. 296. To regulate further the hunting of migratory waterfowl; to provide for the issuance of migratory waterfowl stamps and for the collection of fees therefor; to provide for the procurement, development, restoration, maintenance, or preservation of wetlands for waterfowl habitat and for public waterfowl hunting areas; and to require the state department of conservation and natural resources to carry out the provisions of this act.

in place of the Consent Calendar Bill, S. B. 513.

And said Bill, H. B. 296, was read a third time at length and passed.

Yeas 27; Nays 0.

Yeas:

Messrs.:	Cook	Glass	Higginbotham
Barron	deGraffenried	Goodwin	Holmes
Britnell	Denton	Hall	Keener
Callahan	Figures	Harrison	Kirkland

Lemaster	McDonald	Parsons	Smith
Little	Miller	Proctor	Weeks
Martin	Mitchem	Robertson	White

—27

Nays: —0

CONSENT CALENDAR BILL INDEFINITELY POSTPONED

On motion of Mr. Keener, consideration of the Bill, S. B. 513, was indefinitely postponed by the Senate.

BILLS ON THIRD READING RESUMED

The Bill:

H. 705. Relating to DeKalb County; to provide an additional expense allowance for the chairman and members of the county commission.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Little	St. John
Bailey	Glass	McDonald	Smith
Barron	Gulledge	Mitchem	Teague
Britnell	Hall	Pearson	Vacca
Callahan	Holmes	Proctor	Weeks
Cook	Keener	Robertson	White
Denton	Lemaster		

—25

Nays: —0

The Bill:

S. 90. To amend the Code of Alabama 1975, Section 43-3-1, which provides for the descent and distribution of real estate of an intestate, so as to change the order of succession.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 23; Nays 0.

Yeas:

Messrs.:	Figures	Kirkland	Mitchem
Bailey	Glass	Lemaster	Parsons
Barron	Gulledge	Little	Robertson
Britnell	Hall	Martin	Smith
deGraffenried	Harrison	McDonald	Teague
Denton	Keener	Miller	Weeks

—23

Nays: —0

The Bill:

S. 395. To amend Section 26-10-3, Code of Alabama 1975, relating to adoptions, so as to further regulate consent for adoption of a child and notice of adoption proceedings.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 23; Nays 0.

Yeas:

Messrs.:	Figures	Lemaster	Parsons
Bailey	Glass	Little	Robertson
Barron	Gulledge	Martin	Smith
Britnell	Hall	McDonald	Teague
deGraffenried	Harrison	Miller	Weeks
Denton	Keener	Mitchem	White

—23

Nays: —0

RESOLUTION

Mr. Harrison offered the following Senate Joint Resolution, to-wit:

S. J. R. 146. MOURNING THE DEATH OF MR. LEONARD PRESTON HOUSTON OF COOSADA, ELMORE COUNTY, ALABAMA.

WHEREAS, it is with regret and a sense of deep sorrow that the Legislature of Alabama notes the death of Leonard Preston Houston of Coosada, Alabama, on June 26, 1979, at the age of 62; and

WHEREAS, Mr. Houston was a resident of Coosada and of Elmore County for some 48 years; he was an outstanding and contributing citizen of his community and, as a prominent farm leader and cattleman, was honored in 1977 by the 4-H Clubs of Elmore County for his work and leadership in their programs and, just shortly prior to his death, was named Father of the Year by the Elmore County CowBelles Association; and

WHEREAS, Mr. Houston served twelve years as a director of the Elmore County Cattlemen's Association and two years as that organization's president; he further was a longtime member of the Elmore County Farm Bureau, which he served both as director and as president, and also was a member of the Millbrook Men's Club and of the Methodist Church; and

WHEREAS, an influential leader in civic and religious affairs, Mr. Houston was a man of great ability and of good deeds who devoted a lifetime of service to the betterment and well-being of Elmore County and all its citizens; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Mr. Leonard Preston Houston of Coosada, Elmore County, Alabama, and express our most heartfelt sympathy to the members of his family.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to his wife, Mrs. Mathilda Rives Houston; to their sons, Frank, Robert and John Houston, and to his mother, Mrs. Aimee Dunn Houston, that they may know of our shared sorrow and of our concern for them in their time of great loss.

On motion of Mr. Harrison, the Rules were suspended and the Resolution was adopted by the Senate.

BILLS ON THIRD READING RESUMED

The Bill:

S. 467. To provide that any property owner shall have the authority to clean or dredge a stream or creek running through or onto his property.

was taken up.

On motion of Mr. Britnell, further consideration of the Bill, S. B. 467, was postponed until the Twenty-Ninth Legislative Day.

The Bill:

S. 480. To prohibit the Attorney General or any of the several district attorneys in the state from defending any person who has allegedly committed a crime and to prohibit the expenditure of public funds for the defense of such person.

was taken up.

The Standing Committee on Judiciary reported the following amendment to the Bill, S. B. 480, to-wit:

COMMITTEE AMENDMENT TO SENATE BILL 480

Amend Senate Bill No. 480, page 1, line 26 and continuing to line 27, after the word "person" by striking out all remaining language in Section 1 and inserting in lieu thereof the following language:

"in any proceeding where such person is charged with a crime by indictment or otherwise."

Which was adopted.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Glass	Kirkland	Mitchem
Bailey	Gulledge	Lemaster	Proctor
Britnell	Hall	Little	Smith
deGraffenried	Holmes	Martin	Teague
Figures	Keener	Miller	White

—19

Nays: —0

Mr. Figures offered the following amendment to the Bill, S. B. 480, as amended, to-wit:

AMENDMENT TO S. B. 480, AS AMENDED

Amend Senate Bill No. 480 Page 1 Line 20, by striking out after the word "person" all the remaining language in the title and inserting in lieu thereof the following language:

"in any proceeding where such person is charged with a crime by indictment or otherwise."

Which was adopted.

Yeas 16; Nays 2.

Yeas:

Messrs.:	Gulledge	Little	Proctor
Britnell	Hall	Martin	St. John
Cook	Keener	Mitchem	Smith
Figures	Lemaster	Parsons	White
Glass			—16

Nays: Messrs.: Bailey, Harrison. —2

On motion of Mr. Figures, further consideration of the Bill, S. B. 480, as amended, was indefinitely postponed.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills and Senate Joint Resolutions with the original Senate Bills and Senate Joint Resolutions respectively, and finds same correctly enrolled, to-wit:

S. 198. To amend Section 37-2-81, Code of Alabama 1975, "Duty of locomotive engineer to ring bell or blow horn, etc.," to state and redefine the duties of a locomotive engineer in the operation of a locomotive to accord with and control modern railroad equipment and practices.

Also:

S. 237. To authorize the County Commission or like governing body of each of the several Counties to regulate the minimum size of lots, the planning and construction of all public streets, public roads and drainage structures and require proper placement of public utilities to be located in proposed subdivisions of land or in proposed additions to subdivisions of land existing at the time of the enactment of this Act where such subdivisions are situated outside the corporate limits of any municipality in such county, provided that such placement of public utilities shall not be inconsistent with the Southern Standard Building Code, State and Federal laws and regulations of State and Federal regulatory agencies. To further provide for exercise of jurisdiction by counties over proposed subdivisions within the jurisdiction of municipal planning commissions and to provide for agreement of jurisdiction by counties with affected municipalities.

Also:

S. 522. Relating to Mobile County; to purpose of this bill is to provide a supplement to the salaries of Register of the Circuit Court and the District Court Clerk of the Thirteenth Judicial Circuit.

Also:

S. J. R. 133. Resolution naming the new baseball field at the University of South Alabama in honor of Coach Edward Raymond Stankey.

Also:

S. J. R. 118. NAMING THE NEW BRIDGE AT KOWALIGA "THE HANK WILLIAMS-KOWALIGA BRIDGE".

Also:

S. 479. Relating to Baldwin County; to provide for the leasing of the oil, gas and mineral rights that are owned by the county on the right-of-way of the Baldwin County road system; and to provide for the disposition of the funds accruing from such leases for public launching ramps.

ALBERT McDONALD,
Chairman.

SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, and Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

BILLS ON THIRD READING RESUMED

The Bill:

S. 499. To amend Section 41-9-325, Code of Alabama 1975, so as to give the Tannehill Furnace and Foundry Commission the specific power to make and alter rules and regulations governing the Tannehill Historical State Park; to make the violation of such rules a misdemeanor; and to give the commission police power over the park premises.

was taken up.

On motion of Mr. deGraffenried, consideration of the Bill, S. B. 499, was temporarily postponed.

The Bill:

S. 572. To amend Sections 16-30-1 and 16-30-4, Code of Alabama 1975, relating to the immunization of school children, so as to require any student who has not been immunized upon initial entry into a school in Alabama, must show proof of immunization at the commencement of the next school year.

was taken up.

Mr. White requested and received unanimous consent to offer the following substitute for the Bill, S. B. 572, to-wit:

SUBSTITUTE FOR SENATE BILL 572

A BILL
TO BE ENTITLED
AN ACT

To amend Sections 16-30-1 and 16-30-4, Code of Alabama 1975, relating to the immunization of school children, so as to require any student who has not been immunized upon initial entry into a school in Alabama, must show proof of immunization at the commencement of the next school year.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 16-30-1, Code of Alabama 1975, is hereby amended to read as follows:

"§ 16-30-1. The state health officer is authorized, subject to the approval of the state board of health, to designate diseases against which children must be immunized or for which they must be tested prior to, or, in certain instances after entry into the schools of Alabama."

Section 2. Section 16-30-4, Code of Alabama 1975, is hereby amended to read as follows:

"§ 16-30-4. The boards of education and the governing authority of each private school shall require each pupil who is otherwise entitled to admittance to kindergarten or first grade, whichever is applicable, or any other initial entrance into an Alabama public or private school, to present a certification of immunization or testing for the prevention of those communicable diseases designated by the state health officer, except as provided in section 16-30-3. Provided, however, that any student presently enrolled in a school in this state, not having been immunized upon initial entrance to school, is hereby required to present a certification of immunization as described in this section upon commencement of the next school year. This act shall apply only to kindergarten through 12th grade and not to the institutions of higher learning."

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 18; Nays 0.

Yeas:

Messrs.:	Figures	Lemaster	Smith	
Bailey	Glass	Little	Teague	
Barron	Goodwin	Martin	Weeks	
Britnell	Gulledge	Miller	White	
deGraffenried	Hall	Mitchem		—18

Nays: —0

And said Bill, S. B. 572, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

Yeas:

Messrs.:	Goodwin	Little	Pearson	
Bailey	Gulledge	Martin	Smith	
Barron	Hall	McDonald	Teague	
Figures	Kirkland	Mitchem	White	
Glass	Lemaster	Parsons		—18

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Greer and Coburn (with notice and proof):

H. 1022. Relating to Lauderdale County; providing additional compensation for members of the jury commission, payable out of the county treasury.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1022, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Daniels (with notice and proof):

H. 1036. To further authorize the Geneva County Commission to provide an increase to the clerk-hire allowance for the Tax Assessor and the Tax Collector.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1036, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Daniels (with notice and proof):

H. 1037. To amend Act No. 542, H. 1106 of the 1976 Regular Session (1976 Acts, p. 726) entitled "An Act Relating to Geneva County; providing the county governing body may supplement the salary of the circuit judge from the county general fund, up to six thousand dollars ($6,000) per annum, so long as such judge is a resident of Geneva County," so as to delete the requirement that the judge be a resident of Geneva County.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1037, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Holley and Ray (with notice and proof):

H. 1043. To make appropriation from the general fund of Coffee County for the relief of the tax assessor of said county for services rendered and costs incurred in the performance of his duties; and to give the county commission discretionary power to expend said funds.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1043, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Reed (with notice and proof):

H. 753. To provide for two clerks in the office of the tax assessor of Bullock County, Alabama; and to fix the method and basis of their employment and compensation.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 753, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Reed (with notice and proof):

H. 1046. Relating to Bullock County; providing further for the advertisement of notice of intention to apply for passage of local laws.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1046, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Reed (with notice and proof):

H. 1047. Relating to Bullock County; providing an expense allowance for the coroner.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1047, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Greer (with notice and proof):

H. 640. To amend the title and Section 1 of Act No. 633, H. 1422, Regular Session 1975 (Acts 1975, p. 1388), entitled, "An Act Relating to Lauderdale County; providing further for the election of the members of the county board of education," so as to provide further for the election of the superintendent of education of Lauderdale County.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 640, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Dial:

H. 987. To amend Section 16-13-144, Code of Alabama 1975 relating to penalties incurred by local boards of education who exceed their budget, so as to exempt said boards during years education money is prorated.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 1022, 1036, 1037, 1043, 753, 1046, 1047, and 640. To the Committee on Local Legislation No. 1.

H. B. 987. To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Venable (with notice and proof):

H. 988. To amend further Section 1 of Act No. 47, H. 100, Special Session 1962 (Acts 1962, p. 63), as amended, fixing the compensation of certain county officers of Elmore County so as to further provide for the compensation and expense allowances of certain county officers.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 988, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Stout and Rains (with notice and proof):

H. 1038. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Fort Payne, in DeKalb County; to provide for a referendum election on the question of annexation.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1038, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Smith (C) (with notice and proof):

H. 1039. Relating to Chilton County; to amend Act No. 123, H. 362, 1967 Regular Session (Acts 1967, p. 461), relating to pistol permit fees of such county, so as to increase said fees.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1039, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Smith (C) (with notice and proof):

H. 1040. Relating to Chilton County; to provide an additional expense allowance for the members of the county commission.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1040, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Minus (with notice and proof):

H. 1041. Relating to Sumter County; providing for the use of electronic voting systems in elections; providing the requirements for these systems; providing those procedures to be used in connection with elections in which these systems are used, including additional procedures for dividing precincts and designating voting places therein; providing election officers for such polling places and prescribing duties and compensation of such election officials.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1041, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Minus (with notice and proof):

H. 1042. Relating to law enforcement in Sumter County; to amend Act No. 2464, H. 2846, 1971 Regular Session, (Acts 1971, p. 3929), so as to fix the fee for issuance of pistol permits; to provide for the disposition of such fees; to provide that the provisions of this Act shall be severable; and to repeal all laws or parts of laws in conflict with this Act.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1042, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 988, 1038, 1039, 1040, 1041, and 1042. To the Committee on Local Legislation No. 1.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 579. Relating to Montgomery County; providing that in addition to all presently existing pistol permit fees, there is hereby levied an additional pistol permit issuance fee in the amount of $5.00; providing that $3.00 of said additional fee be paid into the county treasury for the establishment and

maintenance of a fund which is hereby designated and entitled as the "Sheriff's Fund"; providing for the use of said "Sheriff's Fund"; providing that $1.00 of the additional fee collected shall be credited to the County's portion of contribution for all county employees, under any retirement plan in effect in said county; the remaining $1.00 of the additional fee collected shall be credited to the general fund of the county.

Also:

S. 560. Relating to DeKalb County providing additional or supplemental laws applicable to sub-division regulations and public health in DeKalb County because of the porous sandy soil and sand rock structure of the soil in said county; providing that neither the State Department of Health nor any other state or local officer or agency shall withhold approval of any sub-division or any lot therein nor withhold or refuse to issue a septic tank permit or health approval on any tract of land, which has topsoil of at least 36 inches over sandstone and has a percolation rate of one inch in 60 minutes or less.

Also:

S. 569. Relating to Monroe County; providing for an increase in the compensation of the members of the board of equalization, and further providing for an additional travel allowance for the board.

Also:

S. 539. Relating to Limestone County; to provide further for the compensation of the members of the county board of equalization by authorizing the Limestone County commission to provide certain county salary supplements for such members.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Minus (with notice and proof):

H. 1035. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Pennington, in Choctaw County.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1035, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Boles (with notice and proof):

H. 432. To amend Title 12, Chapter 19, Section 92 of the Code of Alabama 1975, so as to revise and establish fees and allowances paid to constables in Jefferson County; to repeal conflicting statutes of provisions thereof; to provide for an effective date.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 432, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Whatley and Adams (C) (with notice and proof):

H. 1020. Relating to Russell County; to abolish the office of license inspector; to place the powers, duties and functions of said office in the sheriff of said county; to provide for the disposition of fees accruing from the performance of the duties of license inspectors; and to provide the sheriff with employees to carry out the act.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1020, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Greer and Coburn (with notice and proof):

H. 1021. Relating to Lauderdale County; to provide a procedure for handling cases involving invalid personal checks given for licenses, and the voiding of such licenses.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1021, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Greer and Coburn:

H. 1023. To repeal Act No. 507, H. 1180, approved August 24, 1976, Regular Session 1976 (Acts 1976, p. 633), entitled, "An Act Relating to all counties having a population of not less than 65,500 nor more than 75,200 according to the 1970 or any subsequent federal decennial census; providing for an additional tax on certain misdemeanor and felony guilt arrests made by the sheriff or sheriff deputies; providing for the collecting of such tax and earmarking the same for the sheriff's department."

Also:

By Rep. Reed (with notice and proof):

H. 1033. Relating to Macon County; to give the county commission certain powers and authority in regard to constructing and maintaining roads and driveways leading to schools, churches, church owned cemeteries, and private dwellings.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1033, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Greer and Coburn:

H. 1024. To repeal Act No. 506, H. 1183, approved August 24, 1976, Regular Session 1976 (Acts 1976, p. 633), entitled, "An Act Relating to counties having populations of not less than 65,500 nor more than 75,200 according to the 1970 or any subsequent federal decennial census; providing an additional mileage allowance for the sheriff and his deputies."

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 1035, 1020, 1021, 1023, 1033, and 1024. To the Committee on Local Legislation No. 1.

H. B. 432. To the Committee on Local Legislation No. 2.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 270. CONGRATULATING AND COMMENDING TENNIS STAR PATRICK DU PRE, FORMERLY OF ANNISTON AND BIRMINGHAM, ALABAMA.

Also:

H. J. R. 276. EXPRESSING APPRECIATION TO THE MARINE PARTICIPANTS IN THE LEGISLATURE'S FLAG DAY CEREMONIES.

Also:

H. J. R. 279. JOINT RESOLUTION RECOGNIZING THE CENTENNIAL OF STANDARD OIL COMPANY OF CALIFORNIA AND THE CONTRIBUTIONS THE COMPANY HAS MADE TO OUR STATE AND NATION IN ITS FIRST 100 YEARS.

Also:

H. J. R. 287. REQUESTING THE DEPARTMENT OF YOUTH SERVICES TO IMPLEMENT A FIVE-YEAR PLAN THAT WILL SET FORTH PROCEDURES TO PROVIDE THE SERVICES AND TO ACCOMPLISH THE RESPONSIBILITIES OF THAT DEPARTMENT AS SPECIFIED BY LAW.

Also:

H. J. R. 288. MOURNING THE DEATH OF MR. CLAUDE J. MARTIN.

Also:

H. J. R. 290. Relative to meeting dates: Tuesday, July 17, 1979; Wednesday, July 18, 1979; Thursday, July 19, 1979 and Monday, July 30, 1979.

Also:

H. J. R. 291. MOURNING THE DEATH OF SCOTT MITCHELL WAGGONER OF BIRMINGHAM, ALABAMA.

Also:

H. J. R. 294. COMMENDING KATHY PICKETT, MISS ALABAMA, 1979.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 755. Relating to Lauderdale County; to further amend Act No. 296 enacted at the 1949 Regular Session of the Legislature of the State of Alabama, as amended by Act No. 470 enacted at the 1959 Regular Session of the Alabama Legislature, and as further amended by Act No. 548 enacted at the 1975 Regular Session of the Alabama Legislature, relative to privilege or license taxes and excise taxes levied by said Act No. 296 in Lauderdale County outside the city limits of the City of Florence and in the City of Florence, Lauderdale County, by amending Section 11 of said Act No. 296 to provide that all revenues arising from the taxes thereby levied applicable to Lauderdale County outside the city limits of the City of Florence shall be used exclusively for public school purposes and solely for capital outlay, construction and mainteance of the county public schools of Lauderdale County, provided that in the event the Governor shall restrict allotments of educational appropriations made by the Legislature to prevent an overdraft or deficiency in any fiscal year for which such educational appropriations are made by prorating the available revenues among the various departments, boards, bureaus, commissions, agencies, offices and institutions of the State, the said revenues from the tax levied by said Act No. 296 applicable to Lauderdale County outside the city limits of the City of Florence may, in the discretion of the County Board of Education of Lauderdale County, also be used in such fiscal year for general educational purposes, including the payment of teachers' salaries, other current school expenses and the cost of school transportation; subject, however, to all pledges of the revenues from said taxes heretofore or hereafter made to Warrants or other obligations of the County Board of Education of Lauderdale County; and to amend Section

12 of said Act No. 296 to provide that all revenues arising from the tax thereby levied applicable to the City of Florence shall be used exclusively for public school purposes and solely for capital outlay, construction and maintenance of city public schools and the payment of teachers' salaries and other current school expenses, including costs of school transportation, subject, however, to all pledges of the revenues from said taxes heretofore or hereafter made to Warrants or other obligations of the City Board of Education of the City of Florence.

Also:

H. 603. Relating to Walker County; to allow tax assessment on a year-round basis and to require the probate judge to make available to the tax assessor any deed recording transaction within 30 days of the recording date.

Also:

H. 702. Relating to Shelby County, to repeal Act No. 700, H. 737, 1976 Regular Session (Acts of Alabama 1976, p. 967), which act provides for the rehabilitation of Shelby County prisoners through work-release and other programs.

Also:

H. 721. To authorize and require the City of Eufaula located in Barbour County to fix rules and regulations for the sale of alcoholic beverages within the premises of any state park located in such City.

Also:

H. 763. Relating to Fayette County; giving the county governing body certain powers in regard to maintaining roads and rights-of-way leading to homes or residences on private property.

Also:

H. 802. Relating to Lauderdale County; to amend Act 457, H. 1055, 1975 Regular Session (Acts 1975, p. 1084) which relates to parking facilities near the county courthouse so as to further regulate said parking facilities.

Also:

H. 895. Relating to St. Clair County; to amend Act No. 515, H. 1028, Regular Session 1969 (Acts 1969, p. 985) entitled "An Act Relating to St. Clair County; levying a privilege license or excise tax upon sellers, distributors or users of malt or brewed beverages, said privilege license or excise tax to vary in amount based upon the location within St. Clair County where said sale of malt or brewed beverages is consummated; providing for the administration of this act and the collection and use of the proceeds of the tax; providing penalties for violations," so as to levy further a privilege, license or excise tax upon sellers, distributors, or users of malt or brewed beverages and to provide further for the distribution of the proceeds of said tax; and to provide for its retroactive effect.

Also:

H. 897. Relating to Lauderdale County, providing that the Probate Judge shall appoint one or more regular clerks in the probate office as deputy registrars empowered to take applications for voter registration at any time the probate office is open for business.

Also:

H. 902. To repeal Act No. 247, H. 937, approved August 6, 1976, Regular Session 1976 (Acts 1976, p. 285), entitled, "An Act Relating to the counties having a population of not less than 65,500 nor more than 75,200 inhabitants according to the most recent federal decennial census; authorizing the governing body of such counties to authorize the Sheriff of the county to employ a cook at the jail, empowering the governing body of the county to fix the compensation of such cook and providing for the payment thereof out of the general funds of the county, retroactive to January 1, 1975."

Also:

H. 903. Relating to Lauderdale County; authorizing the governing body of said county to authorize the Sheriff of the county to employ a cook at the jail; empowering the governing body of said county to fix the compensation of such cook and providing for the payment thereof out of the general funds of the county.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

BILLS ON THIRD READING RESUMED

The Bill:

S. 185. To amend Section 17-6-13, Code of Alabama 1975, which section provides for the compensation of county election officials, so as to provide further for the compensation of such officials.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Denton	Lemaster	Proctor	
Bailey	Figures	Martin	Robertson	
Barron	Hall	Miller	St. John	
Britnell	Harrison	Mitchem	Smith	
Cook	Holmes	Parsons	White	
deGraffenried	Keener			—21

Nays: —0

The Bill:

S. 485. To impose additional requirements upon livestock markets as regulated by Sections 2-15-60 through 2-15-71 of the Code of Alabama 1975 by requiring such markets to report to the Commissioner of Agriculture and Industries any purchases of livestock by a livestock dealer where such a

dealer has not complied with the provisions of the "Alabama Livestock Dealers' Financial Responsibility Act" (Code of Alabama of 1975, Sections 2-15-130 through 2-15-138); to define words and terms used in this Act; to authorize the Commissioner of Agriculture and Industries to inspect records of sales of livestock markets; to provide for the adoption of rules and regulations to effectuate the intent and purpose of this Act; and to prescribe penalties for violations of this Act.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 0.

Yeas:

Messrs.:	Glass	Lemaster	Proctor	
Bailey	Gulledge	Little	Robertson	
Barron	Hall	Martin	St. John	
Britnell	Harrison	McDonald	Smith	
Denton	Holmes	Miller	White	
Figures	Keener	Mitchem		—22

Nays: —0

The Bill:

S. 486. To amend Section 2-15-133, Code of Alabama 1975, by adding a provision that imposes liability on livestock dealers as defined in Section 2-15-131 (5), Code of Alabama 1975, for the payment of the purchase price of all livestock purchased by such dealers without regard to whether a livestock dealer purchases livestock on his own account, or as agent for another, and without regard to the liability of another party for whom such a dealer makes such purchase.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 0.

Yeas:

Messrs.:	Glass	Lemaster	Proctor	
Bailey	Gulledge	Little	Robertson	
Barron	Hall	Martin	St. John	
Britnell	Harrison	McDonald	Smith	
Denton	Holmes	Miller	White	
Figures	Keener	Mitchem		—22

Nays: —0

The Bill:

S. 501. To amend Section 38-2-12, Code of Alabama 1975, relating to the authority of the Commissioner of the State Department of Pensions and Security to destroy certain obsolete records, so as to reduce the retention requirement on certain case record material from ten to five years.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 0.

Yeas:

Messrs.:	Glass	Lemaster	Proctor	
Bailey	Gulledge	Little	Robertson	
Barron	Hall	Martin	St. John	
Britnell	Harrison	McDonald	Smith	
Denton	Holmes	Miller	White	
Figures	Keener	Mitchem		—22

Nays: —0

The Bill:

S. 121. To amend Section 14-10-1, Code of Alabama 1975, so as to require the Board of Corrections to discharge state convicts only in the county in which they were sentenced.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 0.

Yeas:

Messrs.:	Glass	Lemaster	Proctor	
Bailey	Gulledge	Little	Robertson	
Barron	Hall	Martin	St. John	
Britnell	Harrison	McDonald	Smith	
Denton	Holmes	Miller	White	
Figures	Keener	Mitchem		—22

Nays: —0

CONSENT CALENDAR BILLS POSTPONED

Mr. St. John requested and received unanimous consent to postpone the Bills remaining on the Consent Calendar (H. B. 304, H. B. 3, H. B. 263, H. B. 266, H. B. 267, H. B. 455, S. B. 499, H. B. 103, H. B. 235, and H. B. 292) until the next Legislative Day.

UNFINISHED BUSINESS

BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the Unfinished Business for today, the first item of which was the Bill:

S. 242. Relating to primary elections; to amend Code of Alabama 1975, Section 17-16-6 so as to provide further for the date of holding primary elections in presidential election years; and to hold primary elections in any other year on the first Tuesday after the first Monday in May and the second primary five weeks thereafter; and to repeal Act No. 681, 1978 Regular Session (now appearing in Code of Alabama 1975, Chapter 18A) which provides for presidential preference primaries.

Mr. Goodwin requested and received unanimous consent to take up the Bill:

H. 371. To amend Act No. 691, 1978 Regular Session (Now appearing as Code of Alabama 1975, Chapter 17-18A) which act relates to Presidential Preference Primaries, so as to change the date of such primaries, the method of filing petitions of candidacy, the selection and pledging of delegates to national conventions and the setting of filing fees; and to repeal Sections 6, 8, 9, 10, 11, 12, 13, 14, and 15 of said Act.

in place of the Bill, S. B. 242.

And said Bill, H. B. 371, was read a third time at length and passed.

Yeas 18; Nays 0.

Yeas:

Messrs.:	Goodwin	Lemaster	St. John	
Callahan	Gulledge	Little	Smith	
deGraffenried	Hall	Martin	Teague	
Denton	Harrison	McDonald	White	
Glass	Keener	Proctor		—18

Nays: —0

CALENDAR BILL INDEFINITELY POSTPONED

On motion of Mr. White, consideration of the Bill, S. B. 242, was indefinitely postponed by the Senate.

UNFINISHED BUSINESS

BILLS ON THIRD READING RESUMED

The Senate then proceeded to consideration of the second item of Unfinished Business for today, which was the Bill:

S. 596. To provide further appropriations totaling $12 million to the Medicaid Program for the current fiscal year of 1978-79, said fiscal year ending on September 30, 1979.

and pending amendment, which said amendment is set out in the Journal of the Senate for the Twenty-Sixth Legislative Day.

On motion of Mr. Glass, said amendment was laid on the table.

Mr. McDonald offered the following amendment to the Bill, S. B. 596, to-wit:

AMENDMENT TO S. 596

Amend S. 596 as follows:

In lines 5 and 11, delete the word "further" and insert in lieu thereof the word:

conditional

In line 16, after the word "hereby" add the word: conditionally

After line 22, add the following sentence: The appropriation made herein shall be paid from the general fund of the state treasury and is conditional upon the condition of the state treasury and the approval by the Governor.

Which was adopted.

Yeas 14; Nays 1.

Yeas:

Messrs.:	Glass	Keener	Miller	
Callahan	Goodwin	Little	Smith	
deGraffenried	Gulledge	Martin	White	
Denton	Holmes	McDonald		—14

Nay: Mr. Harrison. —1

(The President and Presiding Officer of the Senate declared a quorum present but not voting.)

On motion of Mr. White, further consideration of the Bill, S. B. 596, as thus amended, was postponed until the next Legislative Day as Unfinished Business.

The Senate then proceeded to consideration of the third item of Unfinished Business for today, which was the Bill:

S. 382. To provide for the establishment and maintenance of a state program of abandoned mine reclamation in compliance with Title IV of Public Law 95-87, 95th U.S. Congress, the "Surface Mining Control and Reclamation Act of 1977;" to express legislative intent; to designate The Department of Industrial Relations as the administrative agency for such program; to provide for an annual application procedure by the Director of Industrial Relations to the Secretary of the United States Department of Interior for the continued support of such state program; to implement specific reclamation projects; to provide for right of entry; to provide for the acquisition and reclamation of certain land adversely affected by past coal mining practices; to provide that the state shall have a lien on certain restored or reclaimed lands; to create a special fund in the state treasury to implement the provisions of this Act; to provide for expenditures from said fund and for the annual reporting of the operations of such fund; to provide certain powers to the Director of Industrial Relations relative to the provisions of this Act; and to provide for intergovernmental cooperation in the implementation of this Act.

On motion of Mr. White, consideration of the Bill, S. B. 382, was postponed temporarily.

The Senate then proceeded to consideration of the fourth item of Unfinished Business for today, which was the Bill:

S. 151. Relating to the regulation of the practice of podiatry in Alabama; further amending certain definitions and adding another definition; amending the make up of the State Board of Podiatry; amending the requirements for the renewal of licenses; amending Sections 1, 3, and 15 of Act No. 741, S. 388, Regular Session of 1967 (Acts 1967, p. 1586).

The Standing Committee on Health and Welfare reported the following substitute for the Bill, S. B. 151, to-wit:

COMMITTEE SUBSTITUTE FOR S. B. 151

A BILL
TO BE ENTITLED
AN ACT

Relating to the regulation of the practice of podiatry in Alabama; amending the make up of the State Board of Podiatry; amending the requirements for the renewal of licenses; amending Sections 34-24-250, and 34-24-275, Code of Alabama, 1975.

Section 1. Section 34-24-250, Code of Alabama 1975 is hereby amended to read as follows:

"The governor of Alabama shall appoint a state board of podiatry consisting of five seven persons, each of whom shall be a citizen of the United States and of Alabama, over the age of 25, and shall have been engaged in the actual continuous practice of podiatry or chiropody in the state of Alabama for at least five years next preceding his appointment. Of the first members so appointed, one shall be appointed for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years, and one for a term of five years, from October 1, 1967, who shall hold office until their successors are appointed and qualified. Thereafter, one member of said board shall be appointed each year for a term of five years and until his successor is appointed and qualified. One member of said board shall be appointed each year, with the exception of three members being appointed every fifth year starting in 1979, for terms of five years and until their successors are appointed and qualified. No member of the board shall be re-appointed for a successive term; previous board members will be eligible for non-successive appointments. The Governor may remove from office at any time any member of the board for neglect of duty, incompetency, improper or unprofessional conduct, or when the license or certificate of any member has been suspended or revoked. Vacancies on said board shall be filled by appointment by the Governor in the manner hereinabove provided. The Governor shall furnish each member of said board at the time of his appointment a certificate of appointment, and said appointee shall qualify by taking the usual oath of office before the judge of probate of his home county within 15 days from the date of his appointment.

Section 2. Section 34-24-275, Code of Alabama 1975 is hereby amended to read as follows:

"Every licensed podiatrist who desires to continue the practice of podiatry shall annually, on or before the first of October, pay to the secretary-treasurer of the state board a renewal registration fee of $50.00 and comply with such other conditions as may be prescribed by the state board of podiatry; provided, however, that said license shall be renewed within 30 days after October first, or the licensee shall pay the renewal registration fee and a penalty of $25.00. Among the conditions to be prescribed by the State Board of Podiatry is the requirement that evidence be furnished by the applicant for renewal of completion of a continuing education program. Such program shall consist of no less than twelve (12) hours, which shall be obtained at the annual state meeting of the Alabama Podiatry Association or any other continuing education program approved by the State Board of Podiatry. Any licensed podiatrist who is inactive in the practice of podiatry for a period of two years may have his license renewed to practice his profession on such conditions as may be prescribed by the state board of podiatry."

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall take effect immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

On motion of Mr. Callahan, further consideration of the Bill, S. B. 151, and pending substitute, was postponed until the next Legislative Day as Unfinished Business.

SPECIAL ORDER

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

S. 630. To amend Sections 40-28-1 through 40-28-3, Code of Alabama 1975, which provide for the distribution of in-lieu-of-taxes payments by the Tennessee Valley Authority to counties served by the Tennessee Valley Authority and to dry counties not served by the Tennessee Valley Authority, so as to provide further for said distribution.

Mr. Smith offered the following substitute for the Bill, S. B. 630, to-wit:

SUBSTITUTE FOR S. B. 630

A BILL
TO BE ENTITLED
AN ACT

To amend Sections 40-28-1 through 40-28-3, Code of Alabama 1975, which provide for the distribution of in-lieu-of-taxes payments by the Tennessee Valley Authority to counties served by the Tennessee Valley Authority and to dry counties not served by the Tennesseee Valley Authority, so as to provide further for said distribution.

Be It Enacted by the Legislature of Alabama:

Section 1. Definitions. The following words, terms and phrases where used in this Act shall have the following respective meanings except where the context clearly indicates a different meaning.

1. "T.V.A." means the Tennessee Valley Authority.

2. "A.B.C." means the Alcoholic Beverage Control Board.

3. "A.B.C." payments" means any monies which are distributed by law to the several local governments from the taxes and/or profits of the Alcoholic Beverage Control Board.

4. "Book value" means the value that T.V.A. carries on its books for its property.

5. "Industrial power sales" means that power which is sold by T.V.A. directly to individual concerns as reported and determined by T.V.A.

6. "In lieu of taxes payments" shall mean those payments made directly to the State of Alabama and not to local governments or distributors under federal statute (16 USC, § 831) by T.V.A. which are in lieu of all taxes to all levels of government in Alabama.

7. "Property" means any property of T.V.A. which is directly used in the production, generation or transmission of electric power, as determined by T.V.A and shall not mean that property that is used for any other purpose by T.V.A.

8. "Served" means any area where T.V.A. sells power of where municipal or cooperative distributors of T.V.A. produced power sell power as reported by and considered served by T.V.A.

9. "Wet" means the local governments in those areas which permit the sale of alcoholic beverages.

10. "Dry" means the local governments in areas which prohibit the sale of alcoholic beverages.

11. "County" shall mean the county governing body and all municipal governing bodies within that county.

Section 2. Section 40-28-1, Code of Alabama 1975, is hereby amended to read as follows:

"§ 40-28-1.

"(a) For the fiscal year beginning October 1, 1979, the state of Alabama will transfer to the counties in Alabama served by the Tennessee Valley Authority a portion of the in-lieu-of-taxes payments made by the Tennessee Valley Authority to the state of Alabama. This transfer of funds will be in an amount large enough to cause local governments in the area served by the Tennessee Valley Authority to receive at least 20 percent of the total in-lieu-of-taxes payments made by the Tennessee Valley Authority and its distributors to all levels of government in Alabama. In fiscal years beginning after October 1, 1979, the percentage of the in-lieu-of-taxes payments received by these local governments shall be increased 10 percent each fiscal year after the fiscal year beginning October 1, 1979, until 70 percent is obtained, and in the fiscal year beginning October 1, 1985, the amount shall be increased five percent until 75 percent of the total in-lieu-of-taxes payments are distributed to these local governments. Payments will continue at this level of distribution each year thereafter.

"(b) Five percent of the total amount the state receives in-lieu-of-tax payments from the Tennessee Valley Authority shall be distributed back to the counties which prohibit the sale of alcoholic beverages and are not served by the Tennessee Valley Authority, and each such county's share shall be on the same proportionate basis as each such dry non-Tennessee Valley Authority served county received in fiscal year 1979 from the state alcoholic beverage control board as that county's share of alcoholic beverage taxes and profits when compared to the total amount received by all dry non-Tennessee Valley Authority served counties during the same fiscal year.

"(c) Any county which is eligible to receive funds under the provisions of section 40-28-2 and which prohibits the sale of alcoholic beverages shall receive from that portion of in-lieu-of-tax payment funds not less than that sum which such county would receive if that county were eligible for payments from the distribution, by the Alabama alcoholic beverage control board, of taxes and profits from the sale of alcoholic beverages for the previous fiscal year."

"§ 40-28-1.

"(a) Beginning in the fiscal year ending September 30, 1980, the state of Alabama will annually transfer to the counties in Alabama served by T.V.A. a portion of the in-lieu-of-taxes payments made by T.V.A. to the state of Alabama. Such transfer of funds shall be according to the following schedule:

For the Fiscal Year:	The % Of In-Lieu-Of-Taxes Payments Transferred to the T.V.A. Served Counties by the State Shall Be:
1979-80	20%
1980-81	30%
1981-82	40%
1982-83	50%
1983-84	60%
1984-85	70%
1985-86 and each fiscal year thereafter	75%

"(b) In addition to the distribution provided for in subsection (a), the state shall distribute each fiscal year five percent of the in-lieu-of-taxes payments to the dry counties and municipalities therein which are not served by T.V.A. Said 5% shall be distributed on the same proportionate basis that each such county received in fiscal year 1978-79 from A.B.C. payments as compared to the total A.B.C. payments received by all dry counties not served by T.V.A. during the same fiscal year. The distribution of such in-lieu-of-taxes payments between each dry non-T.V.A.-served county and the municipalities located therein shall be made pro rata on the basis of A.B.C. payments received by each such jurisdiction in the fiscal year 1979 to the total A.B.C. payment to the County and all municipalities in such county in the fiscal year 1979.

"(c) Any T.V.A.-served, dry county which is eligible to receive funds under the provisions of section 40-28-2 shall receive from that portion of the in-lieu-of-taxes payments not less than that amount which said county received in A.B.C. payments in the fiscal year 1978-79."

Section 3. Section 40-82-2, Code of Alabama 1971, is hereby amended to read as follows:

"§ 40-28-2. (a) Distribution of the percentage of payments made to the state in lieu of ad valorem taxes by the Tennessee Valley Authority provided for in section 40-28-1 shall be made to the governing bodies of the counties in which property of the Tennessee Valley Authority is located. Any county receiving a share of said payments that has within its boundaries a municipality or part of a municipality that is served in whole or in part by the Tennessee Valley Authority shall share the county's payments which said municipality in the same ratio that the Tennessee Valley Authority served population of the municipality bears to the total Tennessee Valley Authority served population of the entire county. However, the legislature may, by local law, prescribe other distribution within such counties to local governments and public agencies therein.

"(b) The percentage of payments made to the state in lieu of ad valorem taxes by the Tennessee Valley Authority provided in section 40-28-1 shall be allocated among the counties in which property of the Tennessee Valley Authority is located as follows:

"(1) Eighty percent of the amount of such percentage of payments shall be distributed among the counties in the same proportion that the amount of the Tennessee Valley Authority's power sales revenue generated in each county, less direct sales by the Tennessee Valley Authority to industry, bears to the total amount of the Tennessee Valley Authority's power sales revenue generated in all counties of the state served by the Tennessee Valley Authority.

"(2) Ten percent of the amount of such percentage of payments shall be distributed among the counties in the same proportion that the fair market value amount of the Tennessee Valley Authority's properties and reservoir lands in each county bears to the total dollar value of all the Tennessee Valley Authority's properties and reservoir lands in all counties of the state served by the Tennessee Valley Authority.

"(3) Ten percent of the amount of such percentage of payments shall be distributed among the counties in the same proportion that the amount of the Tennessee Valley Authority's direct power sales to industry in each county bears to the total amount of the Tennessee Valley Authority's power sales revenue generated in such manner in all counties of the state served by the Tennessee Valley Authority."

"§ 40-28-2.

"(a) Distribution of the in-lieu-of-taxes payments of T.V.A. by the state to the served counties shall be made to the governing bodies of served counties. Any county receiving a share of said payments that has within its boundaries a municipality or part thereof that is served in whole or in part by T.V.A. shall share in the county's payments with said municipality receiving the same amount as the ratio of T.V.A.-served population of the municipality bears to the T.V.A.-served population of the entire county. However, the legislature may by general or local laws prescribe other distribution within such counties to local governments and/or public agencies therein.

"(b) The in-lieu-of-taxes payments distributed each year to the served counties shall be as follows:

"(1) Eighty percent of the amount of such distribution to the served counties shall be distributed among the counties in the same proportion that the amount of T.V.A. power sales revenue generated in that county less industrial power sales bears to the total amount of T.V.A. power sales revenue generated in all counties less industrial power sales in all served counties.

"(2) Ten percent of the amount of such distribution to the served counties shall be distributed among the counties in the same proportion that the book value amount of the T.V.A.'s property in each county bears to the total book value of all T.V.A.'s property in all counties served by the T.V.A.

"(3) Ten percent of the amount of such percentage of payments shall be distributed among the counties in the same proportion that the T.V.A.'s industrial power sales in each county bears to the total amount of T.V.A.'s industrial power sales in all served counties of the state."

Section 4. Section 40-28-3, Code of Alabama 1975, is hereby amended to read as follows:

"§ 40-28-3.

"Payments by the state to the local governments pursuant to this chapter will be made within 30 days after the state receives its annual payment from the Tennessee Valley Authority.

"Payments by the state to the counties pursuant to this chapter will be made within 30 days after the state department of revenue receives each payment from T.V.A. and such payments shall be made by warrants drawn by the comptroller upon such T.V.A. funds in the state treasury and in such amounts as certified by the department of revenue."

Section 5. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 7. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Mr. Smith then offered the following amendment to the substitute, for the bill, S. B. 630, to-wit:

AMENDMENT TO SUBSTITUTE FOR SENATE BILL 630

Amend the Substitute to Senate Bill 630 by striking in Section 1 on page 2 the definition of the word "property" on lines 18 through 23 and insert in lieu thereof the following:

"7. Property means the property of T.V.A. allocated to or associated with the power program of T.V.A. as reported by T.V.A."

Further amend the bill by striking in Section 1 on page 2 the definition of the word "served" on lines 24 through 27 and insert in lieu thereof the following:

"8. "Served" or "T.V.A. served" means provided power that is produced by T.V.A. and sold through municipal or cooperative distributors or T.V.A. as reported by T.V.A."

Further amend the bill by adding in Section 2 on page 5, line 12, at the end of the paragraph the following new sentence:

"Such distribution to the municipalities will be administered by the county governing body."

Further amend the bill by striking in their entirety in Section 7, on page 2, lines 32 through 34, which provide for the definition of the word "county".

Which was adopted.

And said substitute, as thus amended, was then adopted by the Senate.

Yeas 14; Nays 0.

Yeas:

Messrs.:	Hall	Little	Parsons	
Barron	Holmes	Martin	Smith	
Britnell	Keener	McDonald	Teague	
Denton	Lemaster	Mitchem		—14

Nays: —0

(The President and Presiding Officer of the Senate declared a quorum present but not voting.)

And said Bill, S. B. 630, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

Yeas:

Messrs.:	Hall	McDonald	Smith	
Bailey	Keener	Miller	Teague	
Barron	Lemaster	Mitchem	Weeks	
Cook	Little	Parsons	White	
Denton	Martin	Pearson		—18

Nays: —0

By unanimous consent Mr. Goodwin's name was added as co-sponsor of the above Bill.

Mr. Smith moved that the Senate reconsider the vote by which the Bill, S. B. 630, as amended, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 397. Relating to Marengo County; to provide for the mileage allowance of the county coroner, to make this act retroactive.

Also:

H. 426. Relating to the eighteenth judicial circuit of Alabama; to amend the title and Section 1 of Act No. 119, H. 52, 1975 Third Special Session (Acts of 1975, p. 347), entitled "An Act To provide an expense allowance to the official court reporter, for Circuit Judge Place No. 1 of the eighteenth judicial circuit of Alabama payable by the counties composing said circuit" as last amended, so as to provide an expense allowance to the official court reporter for Circuit Judge Place No. 3 of the eighteenth judicial circuit of Alabama.

Also:

H. 607. To provide for a personnel board for employees of county law enforcement officers in Shelby County; to provide for the compensation, terms of office and compensation for members of said board; to authorize the board to regulate, by promulgation of rules and regulations, appointments, qualifications, tenures, salaries, promotions and dismissals of said employees; to provide for the duties and functions of the board; to provide for a hearing and appeal procedure for employees who have had disciplinary action taken against them; to provide a procedure for the board for accepting and filing applications for employment within county law enforcement offices and providing for the appointment of qualified applicants to such positions; to provide for a procedure for hearing complaints within the various

law enforcement offices; to grant certain powers of deposition and subpoena to the board for the facilitation of the board's hearings and investigations; to provide that all meetings of the board shall be open to the public; to provide appeal to the circuit court for adverse decisions of the board; to prohibit employees under control of the board from participating in certain political activities; to provide that the board's expenses of operation shall be financed from the proceeds of an additional tax on county sales of beer and brewed beverages enacted at the 1977 legislative session; to provide a procedure whereby municipalities may come under the provisions hereof; to provide penalties for violations of any provisions of the act; to repeal conflicting laws; and to provide for its effective date.

Also:

H. 820. To repeal Act No. 2362, H. 144, Regular Session 1971 (Acts 1971, p. 3795), entitled, "An Act Relating to counties having populations of not less than 16,600 nor more than 16,950 fixing the fee for issuance of a pistol permit by the sheriff and providing for the disposition and use of such fees."

Also:

H. 822. Relating to Winston County; fixing the fee for the issuance of pistol permits by the sheriff, providing for the deposit of such fees in a sheriff's fund, and providing for the use of such fund.

Also:

H. 828. To amend Section 2 of Act No. 414, H. 744, Regular Session of 1978 (Acts 1978, p. 411) entitled "An Act relating to Dallas County; to provide a District Attorney's Fund for Dallas County; and to provide an expense supplement for the District Attorney, Deputy District Attorney or the Assistant District Attorney serving as Deputy District Attorney and the part-time Assistant District Attorney for Dallas County from the District Attorney's Fund" so as to provide further for such expense supplement.

Also:

H. 850. Relating to Lee County; authorizing the Lee County Commission to set the allocations for clerk hire allowances in the offices of the probate judge, the tax assessor and the tax collector, respectively; and repealing conflicting laws.

Also:

H. 862. Relating to Lee County; providing for purging the lists of registered voters; requiring and prescribing the procedure for the re-identification of registered voters; placing certain duties on the board of registrars, judge of probate, and the county governing body relative to the re-identification of registered voters; and providing a penalty for willfully making a false statement in connection with re-identification.

Also:

H. 877. Relating to Coffee County; fixing the fee for the issuance of pistol permits and providing for the disposition of such fees.

Also:

H. 878. Relating to Coffee County; to provide further for the costs and charges of district and circuit courts and to provide for the disposition thereof.

Also:

H. 899. Relating to Elmore County; to provide a procedure for handling cases involving invalid personal checks given for licenses, and the voiding of such licenses.

Also:

H. 900. Relating to Elmore County; to increase the compensation of members of the Board of Equalization.

Also:

H. 917. Relating to DeKalb County providing additional or supplemental laws applicable to sub-division regulations and public health in DeKalb County because of the porous sandy soil and sandy rock structure of the soil in said county; providing that neither the State Department of Health nor any other state or local officer or agency shall withhold approval of any sub-division or any lot therein nor withhold or refuse to issue a septic tank permit or health approval on any tract of land, which has topsoil of at least 36 inches over sandstone and has a percolation rate of one inch in 60 minutes or less.

Also:

H. 916. Proposing an amendment to the Constitution of 1901, as amended, to repeal Amendment No. 255 to the Constitution of 1901, relating to Winston County and referendums on local legislation.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 921. To amend Section 3 of Act No. 2182, H. 2753 of the Regular Session of 1971, (Acts 1971, p. 3489), relating to the civil service system of the City of Jacksonville, so as to provide a further exemption from the civil service provisions for any city librarian.

Also:

H. 923. Relating to Chambers County; to authorize the Chambers county commission to establish Industrial Parks within the county; to provide for the designation and regulation of such Industrial Parks; to designate the facilities to be furnished and maintained by the Industrial Parks; to exempt Industrial Parks from annexation by municipalities; to exempt Industrial Parks from being included in the police jurisdiction of municipalities; and to confirm the rights and responsibilities of county commissions, including the right of taxation.

Also:

H. 924. Relating to Chambers County; to provide for the salary and mileage allowance of the county coroner.

Also:

H. 927. To provide for and prescribe the form of government of the City of Dothan, Alabama.

Also:

H. 952. Relating to Marengo County; to repeal Section 15 of Act No. 311, H. 904, 1923 Regular Session (Acts 1923, p. 188), which act establishes the county governing body, so as to remove the requirements that the county governing body annually inspect and examine public roads and bridges and meet for the purpose of hearing complaints and obtaining the views of the citizens of each district.

Also:

H. 955. Relating to Marengo County; to provide for the office of supernumerary sheriff; and to provide for the qualifications, salaries, and manner of payment of such salaries of such supernumerary sheriffs.

Also:

H. 958. Relating to Lee County; providing a salary increase for the tax assessor.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 487. Relating to Calhoun County; authorizing the establishment of branch banks within the county.

Also:

S. 488. To repeal Act No. 183, H. 364, Regular Session 1961 (Acts 1961, p. 225), as amended, entitled, "An Act Authorizing the establishment of branch banks in counties having populations of not less than 95,000 nor more than 115,000."

JOHN W. PEMBERTON,
Clerk.

BILLS ON THIRD READING RESUMED

The Bill:

S. 545. To propose an amendment to the Constitution to amend further Section 217 of the Constitution, which relates to ad valorem taxation, so as to provide that local taxing authorities may increase millage rates of ad valorem taxes beyond the date of September 30, 1979, in the event that there is an uncompleted property reappraisal in that particular locality.

was taken up.

The Standing Committee on Governmental Affairs reported the following amendment to the Bill, S. B. 545, to-wit:

COMMITTEE AMENDMENT TO S. B. 545

Amend Senate Bill 545, page 2, beginning on line 8, by deleting "Class III." in its entirety and inserting the following in lieu thereof:

"Class III. All agricultural, forest, residential property, and historic buildings and sites."

Which was adopted.

Yeas 20; Nays 0.

Yeas:

Messrs.:	Hall	Martin	Robertson	
Barron	Holmes	McDonald	St. John	
Britnell	Keener	Miller	Smith	
Callahan	Lemaster	Parsons	Weeks	
Denton	Little	Proctor	White	
Figures				—20

Nays: —0

And said Bill, S. B. 545, as thus amended, was read a third time at length as required by the Constitution, and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 0.

Yeas:

Messrs.:	Goodwin	Martin	Robertson	
Barron	Hall	Miller	St. John	
Britnell	Holmes	Mitchem	Smith	
Callahan	Keener	Parsons	Weeks	
Cook	Lemaster	Pearson	White	
Denton	Little	Proctor		—22

Nays: —0

The Bill:

S. 558. To authorize and make provisions for the incorporation in any Class III municipality of an Authority as a public corporation for the purpose of providing public transportation service in such county, upon the filing of an application with, and the authorization of such incorporation by, the governing body of any such municipality within which any such Authority proposes to furnish any such service; to provide for the amendment of the certificate of incorporation of any such Authority for certain purposes at any time, upon the authorization of each such amendment by the governing body of the municipality by which its incorporation was authorized; to provide for the election and compensation of directors of any such Authority; to provide for the powers, authorities and duties of any such Authority and its board of directors; to authorize any such Authority to acquire, construct, operate, improve and finance one or more transit systems; to confer on any such Authority the power of eminent domain; to authorize any such Authority to expend funds for the purchase or lease of materials, equipment, supplies or other personal property involving less than $2,000 without compliance with the provisions of Act No. 217 (1967 Special Session), as amended, that might otherwise be applicable; to employ officers, employees and agents without regard to any provisions of Act No. 217 (1967 Special Session), as amended, or of any civil service or merit system law that might otherwise be applicable; to make provisions respecting the establishment and revision of charges for public transportation service rendered by it; to provide for the issuance by any such Authority for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing revenue securities, payable solely out of either or both of the following: (a) any tax proceeds appropriated, allocated or made payable (in whole or in part) to such Authority by or pursuant to any act of the legislature of this state or by or pursuant to any ordinance, resolution or order of any county in which the Authority is authorized to furnish transportation service or any municipality located in such county and (b) the revenues of any one or more of the transit systems of such Authority, without regard to the system or systems with respect to which such revenue securities may have been issued; to provide that such revenue securities shall constitute negotiable instruments; to provide that such revenue securities may be secured by a pledge of the revenues from which they are payable, by contracts binding any such Authority for the proper application of its revenues and of the proceeds of such revenue securities, and by a non-foreclosable mortgage and deed of trust or statutory mortgage lien on the transit system out of the revenues from which sum securities are payable, and to provide that any revenue securities of the Authority may be issued under a trust indenture; to provide for constructive notice of any such statutory mortgage lien; to authorize and make provisions respecting the assumption by any such Authority of obligations respecting any transit system, or

parts thereof, acquired by the Authority; to provide for the use of the proceeds of any revenue securities issued by an Authority; to provide for the refunding, by the issuance of revenue securities of an Authority, of revenue securities theretofore issued or obligations theretofore assumed by it; to provide that revenue securities issued and contracts entered into by any such Authority pursuant to this Act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; to provide that any county, municipality, other political subdivision, public corporation, or agency or instrumentality of this state may aid and cooperate with, lend or donate money to, perform services for the benefit of, and, without the necessity of an election and with or without consideration, transfer any transit system or other property to any such Authority; to exempt the property and income of any such Authority, and all securities issued by any such Authority and the income from such securities, and conveyances, leases, and mortgages and deeds of trust to which such Authority is a party from all taxation in the state, to exempt every such Authority from all taxes, including license and excise taxes, levied by any county, municipality, or other political subdivision of the state, and to exempt such Authority from payment of certain charges to Judges of Probate; to provide that each such Authority shall be exempt from regulation and supervision by the Public Service Commission and the State Department of Finance; to provide for the use of public roads in the state by any such Authority; to require the board of directors of any such authority to adopt an annual budget and to cause annual audits of the books and records of such authority to be made; to permit membership in labor organizations by employees of any such Authority; to provide that no employee of any such Authority shall be subject to the provisions of any civil service system or to the rules or regulations of any personnel board that might otherwise be applicable; and to provide for the dissolution of any such Authority and the disposition of its property.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Gulledge	Martin	Proctor	
Barron	Hall	McDonald	St. John	
Callahan	Harrison	Miller	Smith	
Cook	Holmes	Mitchem	Vacca	
Denton	Keener	Parsons	Weeks	
Figures	Little	Pearson	White	
Goodwin				—24

Nays: —0

The Bill:

S. 570. Relative to Class 4 and 5 municipalities in this state having a population of not less than 25,000 and not more than 99,999 inhabitants according to the last or any subsequent Federal decennial census; authorizing each such municipality to acquire properties suitable for use by any commercial enterprise in furnishing hotel services, including food or lodging or both, and the rental of ground floor space or other accommodations to others engaged in any business, trade, profession, occupation or activity;

authorizing such municipalities to lease such properties subject to certain specified requirements; authorizing such municipalities to finance the acquisition of such properties by the issuance of revenue bonds payable solely out of the revenues from the leasing of such properties and to secure such bonds by pledges of such revenues and leases and by mortgages on such properties; providing that all such bonds shall be negotiable instruments; authorizing the refunding of any such bonds; providing for remedies in the event of default respecting any bonds issued under the act; exempting from taxation such properties and the revenue from the lease thereof, such bonds and the income therefrom, all mortgages executed as security therefor and all lease agreements made hereunder; prohibiting any such municipality from making contributions to the cost of any such properties and from furnishing land therefor; providing that such bonds and any agreements made in connection therewith shall not constitute an indebtedness of a municipality or a pecuniary liability of any kind; providing that such bonds shall be legal investments for savings banks and insurance companies organized under the laws of this state; providing the purposes for which the proceeds from the sale of such bonds may be used; providing that no notice to or consent or approval by any governmental body or public officer shall be a prerequisite to the issuance of such bonds or the securing thereof.

was taken up.

Mr. Keener offered the following amendment to the Bill, S. B. 570, to-wit:

AMENDMENT TO S. B. 570

Amend S. 570 as follows:

On page one, in line 22, after the figure "4", delete the word "and" and after the figure "5", insert the following:

, 7 and 8

On page two, in line 21, after the figure "4", delete the word "or" and after the "5", insert the following:

7 and 8

Which was adopted.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Figures	Lemaster	St. John	
Barron	Goodwin	Little	Smith	
Britnell	Hall	Martin	Vacca	
Callahan	Harrison	Mitchem	Weeks	
Cook	Holmes	Parsons	White	
Denton	Keener			—21

Nays: —0

And said Bill, S. B. 570, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Figures	Lemaster	St. John	
Barron	Goodwin	Little	Smith	
Britnell	Hall	Martin	Vacca	
Callahan	Harrison	Mitchem	Weeks	
Cook	Holmes	Parsons	White	
Denton	Keener			—21

Nays: —0

The Bill:

S. 275. To provide a hearing committee for school boards for the purpose of hearing contested contract cancellations of teachers on continuing service status in certain counties having a population of not less than 300,000 nor more than 500,000 according to the last or any subsequent federal census in the State of Alabama.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Gulledge	Martin	St. John	
Bailey	Harrison	Miller	Smith	
Barron	Holmes	Mitchem	Teague	
Callahan	Keener	Parsons	Vacca	
Cook	Kirkland	Pearson	Weeks	
Figures	Lemaster	Proctor	White	
Glass	Little			—25

Nays: —0

The Bill:

S. 69. Creating the Alabama Aviation Hall of Fame Board; providing the method of selection of its members; prescribing its powers and duties; providing that no person may derive income or profit from the funds or property of the board; and providing that gifts to and property, funds and activities of the board shall be exempt from taxation.

was taken up.

On motion of Mr. White, consideration of the Bill, S. B. 69, was postponed until the next Legislative Day as Unfinished Business by unanimous consent.

The Bill:

S. 405. To amend Section 17-6-13 of the Alabama Code of 1975 to provide for a continuous system of compensation for election officials.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 23; Nays 0.

Yeas:

Messrs.:	Hall	McDonald	St. John
Britnell	Harrison	Miller	Smith
Cook	Holmes	Mitchem	Teague
Denton	Keener	Pearson	Vacca
Figures	Little	Proctor	Weeks
Goodwin	Martin	Robertson	White

—23

Nays: —0

The Bill:

S. 46. To amend Section 8-15-3 of the Code of Alabama 1975 so as to increase the annual filing or permit fee from $5.00 to $25.00 required to be paid to the Commissioner of Agriculture and Industries by persons operating a public warehouse.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 23; Nays 0.

Yeas:

Messrs.:	Hall	McDonald	St. John
Britnell	Harrison	Miller	Smith
Cook	Holmes	Mitchem	Teague
Denton	Keener	Pearson	Vacca
Figures	Little	Proctor	Weeks
Goodwin	Martin	Robertson	White

—23

Nays: —0

The Bill:

S. 509. To make a conditional appropriation to the district attorneys of the several judicial circuits of this state.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 23; Nays 0.

Yeas:

Messrs.:	Denton	Hall	Keener
Britnell	Figures	Harrison	Little
Cook	Goodwin	Holmes	Martin

McDonald	Pearson	St. John	Vacca
Miller	Proctor	Smith	Weeks
Mitchem	Robertson	Teague	White

—23

Nays: —0

The Bill:

S. 337. To amend Section 9-17-13, Code of Ala. 1975, so as to more clearly provide for the integration or pooling and for the unitization of other interests included in tracts of land with regard to oil and gas drilling units and oil and gas pools.

was taken up.

The Standing Committee on Commerce, Transportation, and Utilities reported the following amendment to the Bill, S. B. 337, to-wit:

COMMITTEE AMENDMENT TO S. B. 337

Amend Senate Bill 337, page 1, line 22, by adding the following, after the word "other":

related

Which was adopted.

Yeas 23; Nays 0.

Yeas:

Messrs.:	Hall	McDonald	St. John
Britnell	Harrison	Miller	Smith
Cook	Holmes	Mitchem	Teague
Denton	Keener	Pearson	Vacca
Figures	Little	Proctor	Weeks
Goodwin	Martin	Robertson	White

—23

Nays: —0

And said Bill, S. B. 337, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 23; Nays 0.

Yeas:

Messrs.:	Cook	Figures	Hall
Britnell	Denton	Goodwin	Harrison

Holmes	McDonald	Proctor	Teague
Keener	Miller	Robertson	Vacca
Little	Mitchem	St. John	Weeks
Martin	Pearson	Smith	White

—23

Nays: —0

ADJOURNMENT

At 6:45 P.M., on motion of Mr. Pearson, in accordance with Joint Resolution heretofore adopted, and pending further consideraton of the Bills, S. B.'s 596, 151, and 69, the Senate adjourned until Wednesday, July 18, 1979, at 1:30 P.M.

TWENTY-EIGHTH LEGISLATIVE DAY

WEDNESDAY, JULY 18, 1979

The Senate met pursuant to adjournment, Lieutenant Governor McMillan presiding.

PRAYER

The Session was opened with prayer by Dr. Dick Johns, Minister, Pine Level United Methodist Church, Pine Level, Alabama, and Professor of Religion, Huntingdon College, Montgomery, Alabama.

ROLL CALL

Present:

Messrs.:	Figures	Kirkland	Proctor	
Bailey	Glass	Lemaster	Robertson	
Barron	Goodwin	Little	St. John	
Britnell	Gulledge	Martin	Smith	
Callahan	Hall	McDonald	Teague	
Clemon	Harrison	Miller	Vacca	
Cook	Higginbotham	Mitchem	Weeks	
deGraffenried	Holmes	Parsons	White	
Denton	Keener	Pearson		—34

JOURNAL

On motion of Mr. St. John, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Twenty-Seventh Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

ALBERT McDONALD,
Chairman.

COMMITTEE REPORT

On motion of Mr. McDonald, the foregoing report was concurred in and the Journal of the Senate for the Twenty-Seventh Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. St. John, leave of absence was granted Mr. Taylor for today.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Clark, McCorquodale and Manley:

H. 483. To provide further for the compensation of circuit judges.

Also:

By Reps. Sandusky, Adams (C), Starkey, Langford and Adams (H):

H. 540. Divesting the State Highway Department of certain county functions and duties in relation to roads and bridges in "captive" counties, heretofore transferred to it, and revesting such functions in the county governing bodies of the captive counties; providing for the transfer of certain funds, equipment, property and material from the State Highway Department to the county governing bodies; and to provide for the effective date.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 483 and 540. To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 481. To create and provide for the Lawrence County Racing Commission for the regulating, licensing and supervision of horse racing and wagering thereon; to prescribe the composition, appointment, powers, and duties of the Commission; to provide for and regulate the pari-mutuel or certificate method of wagering within the enclosure of a licensed race track; to provide for the distribution of license fees, taxes, commissions, and other monies received under the provisions of the act; to provide certain penalties for the violation of this act and for other purposes relative thereto; and to provide for a referendum of the voters of the county on the question of whether the act will become effective in the county.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Sandusky:

H. 816. To amend Section 41-4-93 of the Code of Alabama, 1975, so as to prevent the appropriations for the maintenance of state roads and bridges from reverting to the Public Road and Bridge Fund from which the appropriation was made at the end of the fiscal year.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 816. To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has acceded to the request of the Senate for a Committee on Conference on the disagreement of the two Houses on the House amendment to the Senate bill:

S. 142. To propose a constitutional amendment amending further Article XI, Section 217, Constitution of Alabama of 1901, as amended by Constitutional Amendment No. 325 and Constitutional Amendment No. 373, relating to ad valorem property taxes levied by the state and all counties, municipalities and other local taxing authorities.

And the Speaker of the House has appointed as a Committee on the part of the House Messrs. Biddle, Harrison, and Hammett.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 140. COMMENDING BRIGADIER LUTHER M. SMITH AND HIS WIFE, MRS. BRIGADIER JEWELL SMITH, OF THE SALVATION ARMY IN BIRMINGHAM, FOR THEIR DISTINGUISHED HUMANITARIAN SERVICE.

Also:

S. J. R. 143. MOURNING THE DEATH OF FRANK LLOYD HAYNES.

Also:

S. J. R. 144. MOURNING THE DEATH OF MR. WARD M. McFARLAND, PROMINENT LAND DEVELOPER AND FORMER DIRECTOR OF THE ALABAMA STATE HIGHWAY DEPARTMENT AND OF THE ALABAMA STATE DOCKS.

Also:

S. J. R. 145. COMMENDING DR. WILLIAM ROBERT WILLARD UPON HIS RETIREMENT.

Also:

S. J. R. 146. MOURNING THE DEATH OF MR. LEONARD PRESTON HOUSTON OF COOSADA, ELMORE COUNTY, ALABAMA.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Joint Resolution:

H. J. R. 229. CREATING AN INTERIM COMMITTEE ON MUNICIPAL GOVERNMENT OF THE LEGISLATURE OF ALABAMA.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate.

S. 229. To provide that all justices of the supreme court, judges of the courts of appeal, and circuit judges assuming office for the first time on or after effective date of this act, shall be entitled to benefits under the judicial retirement fund; to prescribe certain exceptions, including: (a) Such justices or judges shall not receive retirement pay until age sixty; (b) retirement pay shall be computed upon a percentage of final salary at the time of retirement; (c) any cost-of-living increase shall be limited to the times such increments are granted to state employees; (d) only prior creditable service as a judge shall count toward judicial retirement; to provide that certain prior service as a district court judge may be counted toward retirement as a circuit or appellate judge; to repeal conflicting laws.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. McDonald, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 229, the title of which is set out in the foregoing Message from the House, to-wit:

HOUSE AMENDMENT TO SENATE BILL 229

Amend Senate Bill 229 on page 3, Section 1, following subsection (c), of said bill, by adding the following sub-section (d):

(d) In order for any person, electing to retire under the provisions of this act, to receive benefits authorized for the judicial office in which he is serving

at the time of retirement, he must have served not less than one (1) full term, or a time equal to a full term, in such office; if such person has served for a lesser period in such office, he shall only be entitled to retire in, and receive the benefits for, any previous judicial office in which he shall have served for not less than one (1) full term, or a time equal to a full term, such person otherwise having attained the number of years of creditable service and age for such retirement, including all service in the office held at the time of retirement.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Glass	Little	Robertson	
Bailey	Hall	Martin	St. John	
Barron	Harrison	McDonald	Smith	
Britnell	Higginbotham	Miller	Vacca	
Clemon	Keener	Pearson	White	
deGraffenried	Kirkland			—21

Nays: —0

REPORT OF
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, respectively, and finds same correctly enrolled, to-wit:

S. 539. Relating to Limestone County; to provide further for the compensation of the members of the county board of equalization by authorizing the Limestone County commission to provide certain county salary supplements for such members.

Also:

S. 560. Relating to DeKalb County providing additional or supplemental laws applicable to sub-division regulations and public health in DeKalb County because of the porous sandy soil and sand rock structure of the soil in said county; providing that neither the State Department of Health nor any other state or local officer or agency shall withhold approval of any sub-division or any lot therein nor withhold or refuse to issue a septic tank permit or health approval on any tract of land, which has topsoil of at least 36 inches over sandstone and has a percolation rate of one inch in 60 minutes or less.

Also:

S. 569. Relating to Monroe County; providing for an increase in the compensation of the members of the board of equalization, and further providing for an additional travel allowance for the board.

Also:

S. 579. Relating to Montgomery County; providing that in addition to all presently existing pistol permit fees, there is hereby levied an additional pistol permit issuance fee in the amount of $5.00; providing that $3.00 of said additional fee be paid into the county treasury for the establishment and maintenance of a fund which is hereby designated and entitled as the

"Sheriff's Fund"; providing for the use of said "Sheriff's Fund"; providing that $1.00 of the additional fee collected shall be credited to the County's portion of contribution for all county employees, under any retirement plan in effect in said county; the remaining $1.00 of the additional fee collected shall be credited to the general fund of the county.

Also:

S. 488. To repeal Act No. 183, H. 364, Regular Session 1961 (Acts 1961, p. 225), as amended, entitled, "An Act Authorizing the establishment of branch banks in counties having populations of not less than 95,000 nor more than 115,000."

Also:

S. 487. Relating to Calhoun County; authorizing the establishment of branch banks within the county.

ALBERT McDONALD,
Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing report from the Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bills:

H. 905. Relating to Colbert County; to provide further for the distribution of the payments made in lieu of ad valorem taxes by the Tennessee Valley Authority as authorized by Section 40-28-2, Code of Alabama 1975.

Also:

H. 305. To amend Section 8 of Act No. 138, S. 1 of the 1978 Second Special Session (Acts 1978, p. 1883) which section prescribes the use of bond proceeds, issued by the Alabama Public School and College Authority, for elementary-secondary school systems for capital improvements and educational purposes, so as to further prescribe the use of funds for Etowah County.

Also:

H. 226. To provide a procedure for cancelling shares of a corporation which have been purchased or reacquired by it and for reducing stated capital by the amount represented by the shares, the effect of which will be to provide a procedure for restoring treasury shares to the status of authorized but unissued shares.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Turnham:

H. J. R. 296. CREATING A JOINT LEGISLATIVE COMMITTEE ON ENERGY.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint legislative committee which shall be known as the "joint legislative committee on energy." The committee shall function from the date of its appointment until such time as the house of representatives and the senate each adopt a concurrent resolution terminating the committee.

The joint committee shall be composed of nine members, four members from the senate appointed by the lieutenant governor and five members from the house of representatives appointed by the speaker of the house. The chairman shall be designated by the speaker in odd numbered years and by the lieutenant governor in even numbered years. The vice chairman shall be designated by the lieutenant governor in odd numbered years and by the speaker in even numbered years.

The joint committee shall employ such staff as it deems necessary to conduct its business pursuant to this resolution. The staff may be composed of a staff director and such technical, legal, clerical, and stenographic assistants as the chairman and vice chairman determine.

The joint committee shall have the following responsibilities and duties:

(a) examine the statutes, constitutional provisions, regulations and court decisions governing energy and recommend legislation or changes if any are found to be necessary to the legislature;

(b) continuously evaluate the energy policies and programs of the state;

(c) have the power to introduce bills and act as a committee of reference for bills affecting or relating to the energy activities of the state; and

(d) act in any capacity authorized by the speaker of the house and lieutenant governor.

The members of the committee shall be entitled to their regular pay and per diem expenses, including mileage, for each day in which they are engaged in committee work. Such pay and expenses shall be paid out of any available funds appropriated for use of the legislature. Provided, that the total expenditures of the committee shall not exceed $7,000 per year.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 296, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 147. RESOLVED BY THE SENATE That the following business in the order named be special and paramount order of business upon reaching bills on 3rd reading for the 28th Legislative Day, and that Senate Rule 35 be suspended relative to all Senate bills listed herein:

Bill No.	Page No.	Description
S. B. 352	26	Ad val. tax ex., disabled & aged
S. B. 581	87	Dept. of finance
H. B. 715	62	Criminal Code
H. B. 275	73	Beer tax payments
H. B. 953	116	Cost-of-living inc. for all state emp. & off.
H. B. 23	67	Crime victims to receive any profits from crime.
H. B. 831	81	Capitol Complex Maintenance and Repair Fund
H. B. 56	75	Reg. of births
H. B. 38	64	Divorce and alimony proceedings
H. B. 528	119	Transient Occupancy Tax
H. B. 573	61	Alabama Securities Act
H. B. 157	31	"Real Estate Recovery Fund"
H. B. 239	67	Teachers' Retirement System of Alabama
H. B. 17	70	Cosmetology
H. B. 360	83	State commission on physical fitness
H. B. 151	124	Create add. judgeship for the Tenth Jud. Circuit
H. B. 241	66	Alcoholic beverage control board
H. B. 577	72	Alabama Inst. for Deaf and Blind
H. B. 18	77	Taxation for corp. shares of stock
H. B. 331	57	Relating to elections
H. B. 722	121	Further provide for allocation to the nursing programs at the George C. Wallace Comm
H. B. 317	96	Swine diseases
H. B. 494	106	Commission on Higher Ed.

H. B. 674	122	Univ. of Alabama in B'ham, School of Opt. approp.
H. B. 508	45	Branding of livestock
H. B. 381	120	State income tax deductions
H. B. 53	43	Motor vehicle license taxes & reg. fees
H. B. 427	87	Automotive dismantlers
H. B. 294	121	To increase A.B.C. Board approp. in Admn. Serv. Program
H. B. 256	80	State Off. and emp. payroll deductions for cert. contributions
H. B. 378	76	Increase cost of resident fishing
H. B. 451	89	Oil and gas drilling units and oil and gas
H. B. 452	91	To inc. other "interest" "tracts" in unit. orders
H. B. 453	90	Oil and gas drilling
H. B. 454	91	Redefinition of the word "oil
H. B. 71	35	Commissioner of Agri. and Ind.
H. B. 247	107	County board of education's appt. and dismissal authority over personnel
H. B. 248	107	County board of education
H. B. 361	113	Retired law enf. officer
H. B. 281	107	School off. to est. safety procedures
H. B. 264	42	Superintendent of banks
H. B. 357	49	Relating to seafoods
H. B. 417	82	Boards of Education
H. B. 69	34	Confiscation and sale of seafoods cargos
H. B. 55	65	Excise tax on gasoline

And said Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Dixon:

H. J. R. 299. MOURNING THE DEATH OF FRANK LLOYD HAYNES

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Barron, the Rules were suspended and the Resolution, H. J. R. 299, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Venable:

H. J. R. 301. PROVIDING A COMMON DATE FOR HOLDING ELECTIONS ON ALL CONSTITUTIONAL AMENDMENTS PROPOSED AT THE 1979 REGULAR SESSION OF THE LEGISLATURE WHEN A DATE NOT OTHERWISE SPECIFIED.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that an election upon all constitutional amendments proposed by an act of the 1979 Regular Session of the Alabama Legislature is ordered to be held on the date of the 1980 Run-off Primary, unless the original act proposing the constitutional amendment sets the date to coincide with another state-wide primary or general election.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 301, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. McKee:

H. J. R. 298. URGING ALL STATE EMPLOYEES TO COMPLY WITH PRESIDENT CARTER'S PLEA FOR FUEL CONSERVATION BY CARPOOLING WHENEVER POSSIBLE.

WHEREAS, on July 15, 1979, President Carter called upon all Americans to join together in patriotism and unity to help solve the energy problems which beset our nation; and

WHEREAS, as some 55% of our oil consumption is for transportation, with the vast majority of that used for private passenger automobiles, conservation in this single area offers the most immediate and a dramatic means of saving fuel; and

WHEREAS, government entities, by virtue of size, are America's largest groups of employees and it is the consensus of this body that concerted efforts by this segment would result in saving literally hundreds of thousands of barrels of oil per day; and

WHEREAS, it is a great source of pride that Alabama and all its citizens have historically rallied in sacrifice for the good of our country in times of national emergencies and we are confident that in this time of crisis, Alabama will once again do whatever necessary to help meet and solve our problems; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we urge all state employees to comply with President Carter's plea for fuel conservation by carpooling whenever possible; we further urge all department heads and their assistants, by way of leadership and example, to take the first step in this direction by setting up and joining carpools with neighbors who also work in the vicinity of the capitol complex.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Governor Fob James and to all state department heads that they may meet with and urge their employees to join carpools and take any other necessary steps to help combat unnecessary consumption of fuel and the resultant energy shortage facing our nation today.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. McDonald, the Rules were suspended and the Resolution, H. J. R. 298, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a Message from the Governor, returning Senate Bill Number 523, without his signature and approval and with a suggested Executive Amendment.

Respectfully submitted,

JAMES E. FOY,
Executive Secretary.

Done this 17th day of July, 1979.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I am returning to you, the Body in which it originated, Senate Bill Number 523, without my signature and approval and with the following suggested Executive Amendment.

Amend Senate Bill Number 523 by removing the Committee Amendment to Senate Bill Number 523.

The adoption of the above and foregoing suggested Executive Amendment will remove my objections to this Bill.

Respectfully,

FOB JAMES,
Governor.

GOVERNOR'S MESSAGE

On motion of Mr. Vacca, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill:

S. 523. To further amend Section 11 of Act No. 497 of the Regular Session of the Legislature of Alabama of 1965 (Ala. Acts, 1965, pp. 717-739), as heretofore amended, which said Act established a pension system for officers and employees of Jefferson County, Alabama.

which said amendment is set out in the foregoing Message from the Governor, by a vote of

Yeas 21; Nays 0.

Yeas:

Messrs.:	Goodwin	Little	St. John	
Bailey	Gulledge	Martin	Smith	
Barron	Hall	McDonald	Teague	
Britnell	Holmes	Miller	Vacca	
deGraffenried	Keener	Mitchem	White	
Denton	Lemaster			—21

Nays: —0

Which was a majority of the whole number elected to the Senate.

REPORTS OF COMMITTEES

Mr. Clemon, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Barton:

H. 383. To amend Section 43-5-23 of the Code of Alabama 1975 relating to the effect of warranty in deed conveying land belonging to a husband so as to give the same rights to the husband.

By Rep. Zoghby:

H. 493. To amend Section 34-26-2, Code of Alabama 1975, which relates to confidential relations and communications between licensed psychologists and their clients, so as to include psychiatrists within this privilege.

Mr. Clemon, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate, with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Rep. Smith (C) (With Amendment):

H. 610. To amend Sections 12-16-73, 12-21-180 and 12-21-246, Code of Alabama 1975, relating to executing and serving certain process in Alabama by mail.

Mr. Clemon, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Campbell, Clark and Minus:

H. 676. To prescribe the circumstances under which legislative committees can compel the attendance of witnesses, administer oaths and issue subpoenas duces tecum, and the manner of taking testimony; to provide for the admissability of the testimony before such committee, taken by sound recording or transcript, into evidence in any criminal proceeding or as the committee otherwise may deem appropriate; to prescribe penalties for perjury; and to prescribe that the provisions of this act are cumulative.

By Reps. Cooley and Harvey:

H. 710. To allow the court in a divorce or separate maintenance action to order either parent to support his mentally or physically disabled child regardless of the child's age.

By Rep. Kennedy (C):

H. 752. To provide that it shall be a Class A misdemeanor to burn or attempt to burn a cross on any public right-of-way or on private property without the permission of the owner and person in legal possession thereof; and to prescribe penalty for conviction of such unlawful act.

By Rep. Manley:

H. 759. To provide that any property owner shall have the authority to clean or dredge a stream or creek running through or onto his property.

By Reps. Hines and Harper (T):

H. 814. To indemnify the commissioner of the board of corrections, deputy commissioners, members of the board of corrections, and other officers, employees and agents of the board of corrections for acts arising out of and performed in connection with their official duties in behalf of the state of Alabama.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Coburn and Goodwin:

H. 298. To transfer the LaGrange Historical Site owned by the LaGrange Historical Commission of the State of Alabama to the Alabama Historical Commission.

By Reps. Bennett and Amari:

H. 309. To amend Section 17-6-1 of the Code of Alabama 1975 relating to election officers so as to exclude members of a candidate's immediate

family or any member of a candidate's political committee as prescribed by Section 17-22-5 of the Code of Alabama 1975 or any other person taking an active part in management of a candidate's campaign from serving as poll workers or election officials.

By Reps. Harper, Stewart, Roberts and Cosby:

H. 446. To amend Sections 36-32-1, 36-32-5 and 36-32-7 of the Code of Alabama 1975, relating to the fire fighters' personnel standards and education commission, so as to provide for the inclusion of fire-fighting districts in the classification of fire-fighting agency; to include paid employees of fire-fighting agencies classified as rescue unit personnel and paramedics as well as fire inspectors and investigators in the classification of fire-fighting personnel; to provide for certain exemptions relating to employment; to further prescribe standards for fire-fighting personnel; and to provide for testing and certification of fire-fighting personnel, both paid and volunteer, by the commission.

By Rep. Smith (M), et al:

H. 495. To propose an amendment to the Constitution to provide for a weekly travel allowance for members of the legislature while in session, payable at the same rate as the travel allowance authorized for state employees under the general laws of the state.

The above Bill was read a second time at length as required by the Constitution.

By Rep. Carothers:

H. 501. To require any person, firm, or corporation which operates, constructs, or maintains a nuclear powered electric generating facility licensed by the U. S. Nuclear Regulatory Commission to conduct inquiries into the criminal records of any employee who performs duties at such facility; to require that fingerprint cards of such employee be submitted by his employer to the Alabama Department of Public Safety requiring a search to be conducted of state and federal criminal history files with the results thereof being furnished to submitting employer; to provide exemptions of certain employees from the provisions of this Act; and to relieve and hold harmless the Department of Public Safety from any liability arising from disclosure of criminal history records provided under the provisions of this Act.

By Rep. Kennedy (Y), et al:

H. 551. To further authorize and empower the Department of Pensions and Security to operate child support programs, locate absent parents, establish paternity, enforce child support obligations, to collect and distribute support payments, and to conform with certain provisions of the Social Security Act, as amended, in order to obtain maximum benefits under the Social Security Act, as amended; and to prescribe penalties.

By Reps. Roberts and Patton:

H. 562. To amend section 22-27-5 of the Code of Alabama 1975 which relates to the authority of localities to establish fees and enter into mutual agreements or contracts in connection with solid waste disposal, so as to further provide remedies for the nonpayment of fees.

By Reps. Gafford and Carter:

H. 574. To repeal Act No. 596, H. 778, 1977 Regular Session (Acts 1977, p. 797), entitled, "An Act To create the office of governor's councillor; to prescribe the duties and functions of such officer and to regulate and provide for payment of his compensation; and to give the provisions of this act retroactive effect"; providing that the provisions of said Act 596 shall continue to apply to persons covered by its provisions prior to January 1, 1980.

By Rep. Reed:

H. 575. To amend Section 38-2-12, Code of Alabama 1975, relating to the authority of the Commissioner of the State Department of Pensions and Security to destroy certain obsolete records, so as to reduce the retention requirement on certain record material from ten to five years.

By Rep. Langford:

H. 750. To amend Section 41-9-61 of the Code of Alabama 1975, relating to the establishment of the state board of adjustment so as to further provide for the meetings of the board.

By Reps. Venable and Wyatt:

H. 791. To amend Section 36-27-21.1, Code of Alabama 1975, which provides a cost-of-living increase to certain retired persons so as to allow counties and municipalities to elect to come under the provisions of the plan at the beginning of any fiscal year.

By Reps. Owens and Bennett:

H. 803. To amend Section 41-9-325, Code of Alabama 1975, so as to give the Tannehill Furnace and Foundry Commission the specific power to make and alter rules and regulations governing the Tannehill Historical State Park; to make the violation of such rules a misdemeanor; and to give the commission police power over the park premises.

Mr. Mitchem, Chairman of the Standing Committee on Agriculture, Conservation, and Forestry, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Rep. Riddick (With Substitute):

H. 181. To provide that it shall be a nuisance and unlawful for anyone to willfully throw or cast headlights or any rays of artificial light from any motor vehicle in any field, woodland or forest or other real property with the exception of farmers who may do so while checking livestock on owned, leased or rented land; and to provide for penalties.

Mr. Mitchem, Chairman of the Standing Committee on Agriculture, Conservation, and Forestry, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Warren and McMillan:

H. 519. To amend Section 9-3-5, Code of Alabama 1975, so as to authorize the State Forester to hire forest law enforcement officers; to prescribe the duties and retirement of such officers.

By Rep. Cabaniss, et al:

H. 767. To amend Code of Alabama 1975, Section 9-11-51, so as to increase the penalty for nonresident hunting without a license.

By Rep. Warren, et al:

H. 162. To provide that retiring conservation law enforcement officers and cattle theft investigators of the Department of Agriculture and Industries of the department of conservation and natural resources may keep their pistols and badges, and certain other equipment, as a retirement benefit, and to make this act retroactively effective to October 1, 1978.

Mr. White, Chairman of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Stewart:

H. 206. Relating to the regulation of the practice of podiatry in Alabama; further amending certain definitions and adding another definition; amending the make up of the State Board of Podiatry; amending the requirements for the renewal of licenses; amending Sections 34-24-230, 34-24-150, and 34-24-275, Code of Alabama, 1975.

By Reps. Carothers and Smith (C):

H. 403. This Bill creates a Driver License Medical Advisory Board nominated by the Medical Association of the State of Alabama and appointed by the Director of Public Safety to advise the Director concerning the medical aspects of driver licensing. It also outlines the functions and responsibilities of the board; provides for the confidentiality of related reports and immunity from legal actions.

By Rep. Mitchell:

H. 559. To amend Section 34-13-130, Code of Alabama 1975, which provides for the apprentices for funeral directors and embalmers so as to require that the period of apprenticeship must be performed in Alabama under a licensed director or embalmer.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Rep. Reed (with notice and proof) (With Amendment):

H. 753. To provide for two clerks in the office of the tax assessor of Bullock County, Alabama; and to fix the method and basis of their employment and compensation.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Reed (with notice and proof):

H. 795. Relating to Macon County; to amend further Act No. 102, H. 237, Regular Session 1935 (Local Acts 1935, p. 38), which relates to the

selection of the superintendent of education and prescribes his duties, qualifications, compensation and term of office, so as to provide further for his compensation, and to give this act retroactive effect.

By Rep. Venable (with notice and proof):

H. 988. To amend further Section 1 of Act No. 47, H. 100, Special Session 1962 (Acts 1962, p. 63), as amended, fixing the compensation of certain county officers of Elmore County so as to further provide for the compensation and expense allowances of certain county officers.

By Reps. Greer and Coburn (with notice and proof):

H. 1021. Relating to Lauderdale County; to provide a procedure for handling cases involving invalid personal checks given for licenses, and the voiding of such licenses.

By Reps. Greer and Coburn (with notice and proof):

H. 1022. Relating to Lauderdale County; providing additional compensation for members of the jury commission, payable out of the county treasury.

By Reps. Greer and Coburn:

H. 1023. To repeal Act No. 507, H. 1180, approved August 24, 1976, Regular Session 1976 (Acts 1976, p. 633), entitled, "An Act Relating to all counties having a population of not less than 65,500 nor more than 75,200 according to the 1970 or any subsequent federal decennial census; providing for an additional tax on certain misdemeanor and felony guilty arrests made by the sheriff or sheriff deputies; providing for the collecting of such tax and earmarking the same for the sheriff's department."

By Reps. Greer and Coburn:

H. 1024. To repeal Act No. 506, H. 1183, approved August 24, 1976, Regular Session 1976 (Acts 1976, p. 633), entitled, "An Act Relating to counties having populations of not less than 65,500 nor more than 75,200 according to the 1970 or any subsequent federal decennial census; providing an additional mileage allowance for the sheriff and his deputies."

By Rep. Reed (with notice and proof):

H. 1033. Relating to Macon County; to give the county commission certain powers and authority in regard to constructing and maintaining roads and driveways leading to schools, churches, church owned cemeteries, and private dwellings.

By Rep. Daniels (with notice and proof):

H. 1036. To further authorize the Geneva County Commission to provide an increase to the clerk-hire allowance for the Tax Assessor and the Tax Collector.

By Rep. Daniels (with notice and proof):

H. 1037. To amend Act No. 542, H. 1106 of the 1976 Regular Session (1976 Acts, p. 726) entitled "An Act Relating to Geneva County; providing the county governing body may supplement the salary of the circuit judge from the county general fund, up to six thousand dollars ($6,000) per annum, so long as such judge is a resident of Geneva County," so as to delete the requirement that the judge be a resident of Geneva County.

By Rep. Minus (with notice and proof):

H. 1041. Relating to Sumter County; providing for the use of electronic voting systems in elections; providing the requirements for these systems; providing those procedures to be used in connection with elections in which these systems are used, including additional procedures for dividing precincts and designating voting places therein; providing election officers for such polling places and prescribing duties and compensation of such election officials.

By Reps. Holley and Ray (with notice and proof):

H. 1043. To make appropriation from the general fund of Coffee County for the relief of the tax assessor of said county for services rendered and costs incurred in the performance of his duties; and to give the county commission discretionary power to expend said funds.

By Rep. Reed (with notice and proof):

H. 1046. Relating to Bullock County; providing further for the advertisement of notice of intention to apply for passage of local laws.

By Rep. Reed (with notice and proof):

H. 1047. Relating to Bullock County; providing an expense allowance for the coroner.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Rep. Greer (with notice and proof) (With Amendment):

H. 640. To amend the title and Section 1 of Act No. 633, H. 1422, Regular Session 1975 (Acts 1975, p. 1388), entitled, "An Act Relating to Lauderdale County; providing further for the election of the members of the county board of education," so as to provide further for the election of the superintendent of education of Lauderdale County.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Minus (with notice and proof):

H. 1035. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Pennington, in Choctaw County.

By Rep. Minus (with notice and proof):

H. 1042. Relating to law enforcement in Sumter County; to amend Act No. 2464, H. 2846, 1971 Regular Session, (Acts 1971, p. 3929), so as to fix the fee for issuance of pistol permits; to provide for the disposition of such fees; to provide that the provisions of this Act shall be severable; and to repeal all laws or parts of laws in conflict with this Act.

By Rep. Smith (C) (with notice and proof):

H. 1039. Relating to Chilton County; to amend Act No. 123, H. 362, 1967 Regular Session (Acts 1967, p. 461), relating to pistol permit fees of such county, so as to increase said fees.

By Rep. Smith (C) (with notice and proof):

H. 1040. Relating to Chilton County; to provide an additional expense allowance for the members of the county commission.

Mr. Higginbotham, Chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Reps. Willis, Campbell and Crow:

H. 553. Relating to all cities having populations of not less than 6,000 nor more than 11,999 inhabitants according to the 1970 or any subsequent federal decennial census which have held an advisory referendum election in which the electors have expressed a preference for the election of the city board of education; to provide for the election and tenure of members of the city board of education of any such cities.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Reps. Johnson (R. G.), Shoemaker, Moore and Dial (with notice and proof) (With Amendment):

H. 944. Relating only to Talladega County; providing for the suspension of the use of beer stamps as a method of collecting certain local taxes under certain circumstances; providing for rules and regulations for the collection of such taxes; and further providing for the reimposition of such beer stamp use under certain circumstances.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Johnson (R. G.), Shoemaker, Dial and Moore (with notice and proof):

H. 945. Applying only to Talladega County; regulating and identifying certain mobile homes; providing for the use of decals for such purpose; and providing fees and penalties.

By Reps. Dial, Shoemaker, Moore and Johnson (R. G.) (with notice and proof):

H. 946. Applying only to Talladega County; providing for additional fees on certain business and store licenses required for places of business within the county; and providing for penalties for failure to pay such fees.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Reps. Shoemaker, Moore, Dial and Johnson (R. G.) (with notice and proof) (With Amendment):

H. 947. Relating only to Talladega County; levying an additional privilege or license tax on the sale or distribution of malt or brewed beverages within the county; and providing for the method of collection thereof.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Shoemaker, Moore, Dial and Johnson (R. G.) (with notice and proof):

H. 948. To authorize and provide for the establishment, maintenance, operation and financing of a Public Law Library in Talladega County; to authorize the governing body of said County to expend public funds under its control therefor; to provide for the taxing and collection of additional court costs in certain Courts in said County for such purpose and for the expenditure thereof; to designate the officers to accomplish said purpose and to define the powers and duties of such officers with respect thereto, and to designate personnel to operate said Library, or to assist therein, and provide for employment of additional personnel for said purpose, and the payment of salaries of such personnel; and to provide additional funds for the support of law enforcement in Talladega County.

By Reps. Shoemaker, Moore, Dial and Johnson (R. G.) (with notice and proof):

H. 949. Applying only to Talladega County; providing for additional fees to be assessed against taxpayers delinquent in the payment of ad valorem taxes.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Reps. Shoemaker, Moore, Dial and Johnson (R. G.) (with notice and proof) (With Amendment):

H. 950. Applying only to Talladega County; providing for the creation of a county license inspector and deputy county license inspector; providing for delinquency and citation fees, commissions and penalties allowable to such inspector; providing that all license inspector's fees, commissions and penalties be paid into the county general fund for the use of the county; and repealing all conflicting provisions of law.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Gafford:

H. 792. To amend Code of Alabama 1975, Section 36-7-20 and 37-7-22 relating to various expense allowances for state employees so as to provide that the Governor may increase the mileage allowances and per diem allowances for such employees.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Rep. Owens (With Substitute):

H. 567. To amend § 28-3-112, Code of Alabama 1975, so that the 3% tax levied therein on manufacturers, distillers, producers or distributors of

liquors doing business with the Alabama Alcoholic Beverage Control Board is repealed and to amend § 28-3-114, Code of Alabama 1975, to repeal the distribution of the proceeds of the said 3% tax and to make provisions for the distribution of filing fees and to increase said fees to $500.00.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Minus:

H. 320. To amend Section 40-23-4 of the Code of Alabama 1975, as amended, which relates to exemptions from state sales taxes so as to exempt certain sales of lubricating oil destined for out-of-state use for such taxes.

By Rep. Minus:

H. 319. To amend Section 40-17-171 of the Code of Alabama 1975, relating to the levy of excise taxes on oils, greases or substitutes, so as to exempt certain sales of lubricating oil destined for out-of-state use from such taxes.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Rep. Dial (With Amendment):

H. 987. To amend Section 16-13-144, Code of Alabama 1975 relating to penalties incurred by local boards of education who exceed their budget, so as to exempt said boards during years education money is prorated.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Adams (C) et al:

H. 587. To provide for a fee to be paid for filing or recording any instrument conveying real estate or any interest therein and for such fee to be forwarded to the State Treasurer; to provide for the disposition of said funds by the State Treasurer; to provide that all funds paid out by the State Treasurer shall be budgeted and allotted; and further providing that any monies in the Land Surveys Fund in excess of $100,000.00 at the end of any state fiscal year shall be transferred into the General Fund of the State.

By Rep. Hines:

H. 148. To amend Code of Alabama 1975, Sections 40-20-2 and 40-20-8, so as to increase the rate of tax; to provide further for distribution of the proceeds of the tax; and to provide certain exemptions from the increased rate.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Stout and Rains (with notice and proof):

H. 1038. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Fort Payne, in DeKalb County; to provide for a referendum election on the question of annexation.

By Reps. Whatley and Adams (C) (with notice and proof):

H. 1020. Relating to Russell County; to abolish the office of license inspector; to place the powers, duties and functions of said office in the sheriff of said county; to provide for the disposition of fees accruing from the performance of the duties of license inspectors; and to provide the sheriff with employees to carry out the act.

Mr. Bailey, Chairman of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Gafford:

H. 459. Relating to small loan companies, finance companies, and other individuals or persons holding licenses from the State Banking Department.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Smith (J):

H. 513. Pertaining to Madison County; to repeal Act Number 84, S. 62, Fourth Special Session 1975 (Acts. p. 2728).

By Rep. Hall (with notice and proof):

H. 669. Relating to Madison County; to require that certain county owned motor vehicles be marked for identification purposes with a county decal or stencil on the sides of such vehicles, and to provide a fine for violation of such identification.

By Rep. Smith (J) (with notice and proof):

H. 728. Relating to Madison County; to give the County Commission certain powers and authority in regard to performing work or services upon private property and selling material to churches, persons, firms or corporations; setting the conditions under which such work can be done or materials sold; and establishing the procedure governing work on private property or sales of materials to churches, individuals, firms or corporations.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No.1 , reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Rep. Blake (with notice and proof) (With Substitute):

H. 938. Relating to St. Clair County; to levy an additional privilege, license or excise tax upon sellers, distributors, or users of malt or brewed beverages and to provide for the distribution of the proceeds of said tax.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Albright and Gregg (with notice and proof):

H. 943. Relating to Madison County; to provide for the payment of increases in the salaries of deputies sheriff in said county; to prescribe a minimum pay scale for such deputies and to earmark a certain portion of the alcoholic beverage tax revenues accruing to said county under the provisions of Sections 40-28-1 through 40-28-3 of the Code of Alabama 1975 for the payment of such salary increases.

By Reps. Ford and Adams (H) (with notice and proof):

H. 957. Relating to Etowah County; providing for the salaries of the chairman of the county commission and the members of such commission.

By Rep. Ford (with notice and proof):

H. 960. Relating to Rainbow City in Etowah County, so as to amend Act No. 430, S. 660, 1973 Regular Session, (1973 Acts, p. 624) which relates to the compensation of the chairman and board members of the Rainbow City Gas, Water and Sewer Board, so as to provide further for the compensation of such persons.

LOCAL BILLS ON THIRD READING

The Bill:

H. 847. Relating to Jefferson County; to abolish the office of County Coroner and to provide that all duties, rights and powers authorized or performed by said officer shall be exercised and performed by the Jefferson County Coroner-Medical Examiners' office; to provide for the powers, rights, duties, compensation and composition of such office; to provide for the Jefferson County Coroner-Medical Examiners' Commission; to provide for the powers, rights, duties, composition and terms of office of the members of such commission; and to relieve the members of such commission and other persons from civil or criminal liability.

was taken up.

Mr. Parsons offered the following amendment to the Bill, H. B. 847, to-wit:

AMENDMENT TO H. B. 847

Amend House Bill No. 847 Page 2 Line 10, by inserting after the word to, "this act and the"

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Britnell	Cook	Glass
Bailey	Callahan	Denton	Goodwin
Barron	Clemon	Figures	Hall

Holmes	Martin	Proctor	Vacca	
Keener	Miller	Smith	Weeks	
Kirkland	Parsons	Teague	White	
Little	Pearson			—25

Nays: —0

Mr. Parsons then offered the following amendment to the Bill, H. B. 847, as amended, to-wit:

AMENDMENT TO H. B. 847, AS AMENDED

Amend House Bill No. 847 Page 2 Line 31, by inserting after the word to, "this act and"

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Kirkland	Proctor	
Bailey	Figures	Little	Smith	
Barron	Glass	Martin	Teague	
Britnell	Goodwin	Miller	Vacca	
Callahan	Hall	Parsons	Weeks	
Clemon	Holmes	Pearson	White	
Cook	Keener			—25

Nays: —0

Mr. Parsons then offered the following amendment to the Bill, H. B. 847, as amended, to-wit:

AMENDMENT TO H. B. 847, AS AMENDED

Amend House Bill 847 on page 4, line 9, by deleting (f) and adding in lieu thereof the following:

"(f) Two members of the Jefferson County Legislative Delegation, one from the Senate and one from the House."

Also amend on page 4, line 13, by deleting (h), as amended, and adding in lieu thereof the following:

"(h) Two licensed funeral directors who are residents of Jefferson County, actively engaged in the funeral business in said county, who shall be appointed by the Alabama Board of Funeral Service."

Amend House Bill 847 on page 5, by deleting (b), (d), and (h) and re-lettering accordingly.

Amend on page 5 (i), line 18, by adding a period after the word "kin" and deleting the remainder of the sentence.

Amend on page 5 by deleting (j) and (k) in their entirety and re-lettering accordingly.

Amend on page 5 (l), line 25 by adding after the word procedure the following:

"with the written permission of the surviving spouse or next of kin"

Amend on page 5 (o) by adding after the word health the following:

"when requested in writing by the County Health Officer"

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Kirkland	Proctor	
Bailey	Figures	Little	Smith	
Barron	Glass	Martin	Teague	
Britnell	Goodwin	Miller	Vacca	
Callahan	Hall	Parsons	Weeks	
Clemon	Holmes	Pearson	White	
Cook	Keener			—25

Nays: —0

And said Bill, H. B. 847, as thus amended, was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Kirkland	Proctor	
Bailey	Figures	Little	Smith	
Barron	Glass	Martin	Teague	
Britnell	Goodwin	Miller	Vacca	
Callahan	Hall	Parsons	Weeks	
Clemon	Holmes	Pearson	White	
Cook	Keener			—25

Nays: —0

The Bill:

S. 520. Relating to Mobile County; providing further for the government of the county; abolishing the three member county commission and creating a four member commission in lieu thereof; providing for the selection of the members of the commission, and prescribing their qualifications, terms, and compensation; providing for the organization and jurisdiction of the commission, and the powers and duties of its individual members.

was taken up.

Mr. Figures offered the following substitute for the Bill, S. B. 520, to-wit:

SUBSTITUTE FOR S. B. 520

A BILL
TO BE ENTITLED
AN ACT

Relating to Mobile County; providing further for the government of the county; abolishing the three member county commission and creating a four member commission in lieu thereof; providing for the selection of the members of the commission, and prescribing their qualifications, terms, and compensation; providing for the organization and jurisdiction of the commission, and the powers and duties of its individual members.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby created, and shall be established on the first Monday after the second Tuesday in January, 1981, the Mobile County Commission, which shall be composed of a president and three associate commissioners. The county commission in existence at the time of the passage of this Act shall continue as the governing body of Mobile County until the county commission is established as provided in this Act. It is provided, however, that should any vacancy occur in the membership of the present county commission after the effective date of this Act but prior to the second Tuesday in January, 1981, the vacancy shall be filled by the Governor and the appointee shall hold his office until the first Monday after the second Tuesday in January 1981, and until his successor is elected and qualified, the provisions of any other law to the contrary notwithstanding. Upon the establishment of the county commission as herein provided, the county commission in existence at the time of the passage of this Act shall be abolished.

Section 2. (a) Members of the commission shall be elected at the general election to be held in November, 1980 and every four years thereafter. The commissioners shall be citizens of the United States and qualified electors of Mobile County. Three members of the commission shall be elected from three single member districts by the electors of those districts only which shall consist of the following wards and precincts and any subsequent subdivisions thereof:

DISTRICT ONE	DISTRICT TWO	DISTRICT THREE
MW-33-99-1	P-34-100-1	P-35-104-1
MW-33-99-2	P-34-100-2	P-35-105-1
MW-33-99-3	P-34-100-3	P-35-105-2
MW-33-99-4	P-34-100-4	P-35-105-3
MW-35-103-1	PW-33-97-1	P-35-105-4
MW-35-103-5	PW-33-97-2	P-35-105-5
P-32-95-1	PW-33-98-1	P-35-105-6
P-32-96-2	MW-33-98-1	P-35-105-7
		P-35-105-8
		P-35-105-9
DISTRICT ONE	DISTRICT TWO	DISTRICT THREE
P-32-96-3	MW-33-98-2	P-35-105-10
P-32-96-4	MW-34-100-2	P-35-105-11
P-32-96-5	MW-34-100-3	MW-34-100-1
P-32-96-6	MW-34-100-4	MW-34-102-6
P-32-96-7	MW-34-101-1	MW-34-102-7
P-32-96-8	MW-34-101-2	MW-35-103-2

P-33-97-1	MW-34-101-3	MW-35-103-3
S-33-97-2	MW-34-101-4	MW-35-103-6
P-33-97-1	MW-34-101-5	MW-35-103-4
P-32-95-2	MW-34-101-6	MW-35-104-1
PW-33-97-3	MW-34-102-1	MW-35-104-2
PW-33-98-2	MW-34-102-2	MW-35-104-3
PW-33-98-3	MW-34-102-3	MW-35-104-4
	MW-34-102-4	MW-35-104-5
	MW-34-102-5	

The commissioner elected from each single member district must be a bona fide resident of the district at the time of his election. The fourth member of the commission may reside any place within the county and shall be elected by the qualified electors of the entire county. The members so elected shall hold office for terms of four years from the first Monday after the second Tuesday next following their election, and until their successors are elected and qualified.

(b) The fourth member of the commission who was elected by the qualified electors of the entire county shall serve as president of the commission and shall preside at all regular meetings of the commission beginning with the first regular meeting held after the new term of office begins. The person so elected shall serve as president during his term as a member of the commission, and until his successor is elected and qualified. Vacancies on the commission shall be filled by appointment by the Governor. Any person appointed to fill a vacancy shall serve the unexpired term, and until his successor is elected and qualified.

Section 3. Except as otherwise provided in this Act, the county commission of Mobile County shall have all the jurisdiction and powers which are or may hereafter be by law vested in the courts of county commissioners, boards of revenue, or other county governing bodies of this State; and the members thereof shall perform all the duties and services and exercise all the powers which are or may be provided by law for the members of courts of county commissioners, boards of revenue, or other county governing bodies of this State.

Section 4. The president of the commission shall be its presiding officer and shall have the same powers and authority as other members in passing upon all questions, and shall sign the minutes of the proceedings of the commission, and shall sign all warrants drawn on the county treasury, unless in the event of his disability some other member of the commission shall be designated by an appropriate resolution of the board so to do; and it shall be his duty to receive and prepare business and obtain information for the sessions of the commission, to see to the execution of all orders thereof, and to report to the commission all infractions of the revenue law in the county of which he can obtain authentic information. He shall exercise all the powers and perform all the duties required of the judge of probate as to matters coming before the court of county commissioners.

Section 5. The members of the Mobile County Commission shall devote their full time to the discharge of their official duties. The president of the commission shall receive an annual salary of thirty-six thousand dollars ($30,000) and each of the three other commissioners elected from single-member districts shall receive an annual salary of thirty-five thousand

dollars (29,000). In addition thereto, each commissioner shall also receive their actual and necessary expenses incurred in the performance of their duties of office, including, but not limited to, the expense allowance authorized by Act No. 715 of the Regular Sessions of the 1977 Legislature, and subsequent amendments. Said salaries and expense allowances shall be paid in equal monthly installments from any funds in the county treasury available for that purpose, as provided by law.

Section 6. The Mobile County Commission shall hold regular meetings on the second Monday of every month, and shall remain in session until all business before them is disposed of; and the commissioners may hold such special meetings, upon the call of its president or the three associate commissioners, as may be necessary for the proper discharge of their duties. A majority of the commission shall constitute a quorum for the transaction of business. The commission shall keep complete and accurate written minutes of all meetings, business transacted, and resolutions adopted; and there shall be recorded therein the vote of each member. At each meeting the minutes of the previous meeting shall be read, and all minutes shall be open to public inspection at reasonable times.

Section 7. The provisions of this Act are severable. If any part of the Act is declare invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 8. All laws or parts of laws which conflict with this Act are repealed. The provisions of Act No. 195, S. 364, approved July 10, 1951, and Act No. 181, H. 117, approved August 7, 1957, which are in conflict with the provisions of this Act are superseded by this Act.

Section 9. The county commission shall call and provide for the holding of a referendum election after giving due notice of the date of said referendum and the question to be voted on will be whether the Act shall become effective or not.

Section 10. This Act shall take effect upon its passage and approval by the Governor by the Governor or upon its otherwise becoming a law, and having been approved by a majority of the votes cast at the referendum election provided for by Section 9 above.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Keener	Proctor	
Bailey	Figures	Kirkland	Smith	
Barron	Glass	Little	Teague	
Britnell	Goodwin	Martin	Vacca	
Callahan	Gulledge	Miller	Weeks	
Clemon	Hall	Parsons	White	
Cook	Holmes			—25

Nays: —0

And said Bill, S. B. 520, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Keener	Proctor	
Bailey	Figures	Kirkland	Smith	
Barron	Glass	Little	Teague	
Britnell	Goodwin	Martin	Vacca	
Callahan	Gulledge	Miller	Weeks	
Clemon	Hall	Parsons	White	
Cook	Holmes			—25

Nays: —0

REPORT OF COMMITTEE OF CONFERENCE
ON SENATE BILL 142

The Conference Committee adopted the following substitute to Senate Bill 142 as its Conference Committee Report.

DOUG COOK,
DON HARRISON,
FINIS ST. JOHN,
Senate Conferees.
JACK BIDDLE, III,
SETH HAMMETT,
A. L. HARRISON,
House Conferees.

CONFERENCE SUBSTITUTE FOR S. 142

A BILL
TO BE ENTITLED
AN ACT

To propose a constitutional amendment amending further subsection (a) of Section 217, Constitution of Alabama of 1901, as amended by Constitutional Amendment No. 325 and Constitutional Amendment No. 373, relating to ad valorem property taxes levied by the state and all counties, municipalities and other local taxing authorities.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to subsection (a) of Section 217 of the Constitution of Alabama of 1901, as amended, is hereby proposed:

PROPOSED AMENDMENT

"Section 217. (a) On and after October 1, 1978, all taxable property within this state, not exempt by law, shall be divided into the following classes for the purposes of ad valorem taxation:

Class I. All property of utilities used in the business of such utilities.

Class II. All property not otherwise classified.

Class III. All agricultural, forest and residential property, and historic buildings and sites. Licensed hotels and motels are not deemed to be residential property.

Class IV. All private passenger automobiles and motor trucks of the type commonly known as "pickups" or "pickup trucks" owned and operated by an individual for personal or private use and not for hire, rent or compensation."

Section 2. ELECTION ORDERED: DATE OF ELECTION. An election upon the proposed amendment is ordered to be held on the date of the next general or special election after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Section 284 and Section 285 of the Constitution of Alabama of 1901, as amended, and Title 17, Chapter 17, Code of Alabama, 1975.

Section 3. NOTICE OF ELECTION. Notice of the election on the proposed amendment shall be given by proclamation of the Governor, published in a newspaper in each county in the state once a week for four successive weeks next preceding the day appointed herein for the election, and in any county in which there may be no newspaper published, the notice shall be posted at each courthouse therein.

CONFERENCE REPORT

On motion of Mr. Cook, the Senate concurred in and adopted the foregoing Report of the Committee on Conference appointed to reconcile the differences of the two Houses on the House amendment to the Bill:

S. 142. To propose a constitutional amendment amending further Article XI, Section 217, Constitution of Alabama of 1901, as amended by Constitutional Amendment No. 325 and Constitutional Amendment No. 373, relating to ad valorem property taxes levied by the state and all counties, municipalities and other local taxing authorities.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Figures	Martin	St. John	
Barron	Gulledge	Miller	Teague	
Callahan	Harrison	Mitchem	Vacca	
Cook	Higginbotham	Parsons	Weeks	
deGraffenried	Keener	Robertson	White	
Denton	Little			—21

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, and House Joint Resolution, your signature thereto is requested.

H. 226. To provide a procedure for cancelling shares of a corporation which have been purchased or reacquired by it and for reducing stated capital by the amount represented by the shares, the effect of which will be to provide a procedure for restoring treasury shares to the status of authorized but unissued shares.

Also:

H. 305. To amend Section 8 of Act No. 138, S. 1 of the 1978 Second Special Session (Acts 1978, p. 1883) which section prescribes the use of bond proceeds, issued by the Alabama Public School and College Authority, for elementary-secondary school systems for capital improvements and educational purposes, so as to further prescribe the use of funds for Etowah County.

Also:

H. 905. Relating to Colbert County; to provide further for the distribution of the payments made in lieu of ad valorem taxes by the Tennessee Valley Authority as authorized by Section 40-28-2, Code of Alabama 1975.

Also:

H. J. R. 229. Relative to creating an Interim Committee to study Municipal Government in Alabama.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills and House Joint Resolution, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 296. To regulate further the hunting of migratory waterfowl; to provide for the issuance of migratory waterfowl stamps and for the collection of fees therefor; to provide for the procurement, development, restoration, maintenance, or preservation of wetlands for waterfowl habitat and for public waterfowl hunting areas; and to require the state department of conservation and natural resources to carry out the provisions of this act.

Also:

H. 371. To amend Act No. 691, 1978 Regular Session (Now appearing as Code of Alabama 1975, Chapter 17-18A) which act relates to Presidential Preference Primaries, so as to change the date of such primaries, the method of filing petitions of candidacy, the selection and pledging of delegates to national conventions and the setting of filing fees; and to repeal Sections 6, 8, 9, 10, 11, 12, 13, 14, and 15 of said Act.

Also:

H. 705. Relating to DeKalb County; to provide an additional expense allowance for the chairman and members of the county commission.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

LOCAL BILLS ON THIRD READING RESUMED

The Bill:

H. 621. Relating to Mobile County; to provide for an increase in funds from the general fund of Mobile County for a county health department, including the acquisition of land, the erection, construction, extension, renewal, and repair of any buildings and improvements thereon and the maintenance and operation of such department; to anticipate such funds by temporary loan certificates; and to repeal all laws or parts of laws in conflict herewith.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Lemaster	Pearson	
Bailey	Figures	Little	Proctor	
Barron	Glass	Martin	Smith	
Britnell	Gulledge	Miller	Vacca	
Callahan	Hall	Mitchem	Weeks	
Clemon	Holmes	Parsons	White	
Cook	Keener			—25

Nays: —0

The Bill:

H. 771. To repeal Act No. 751, S. 599, 1967 Regular Session (Acts 1967, p. 1606), as last amended which relates to the maintenance and operation of county health departments in all counties having populations of not less than 300,000 nor more than 500,000 according to the most recent federal decennial census.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Lemaster	Pearson	
Bailey	Figures	Little	Proctor	
Barron	Glass	Martin	Smith	
Britnell	Gulledge	Miller	Vacca	
Callahan	Hall	Mitchem	Weeks	
Clemon	Holmes	Parsons	White	
Cook	Keener			—25

Nays: —0

The Bill:

H. 893. Relating to Jefferson County; to fix and prescribe the salary of the tax collector of said county.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Kirkland	Proctor	
Bailey	Figures	Little	Smith	
Barron	Glass	Martin	Teague	
Britnell	Gulledge	Miller	Vacca	
Callahan	Hall	Parsons	Weeks	
Clemon	Holmes	Pearson	White	
Cook	Keener			—25

Nays: —0

The Bill:

H. 43. Relating to Jefferson County; to repeal Act No. 512, S. 702, 1977 Regular Session (Acts 1977, p. 674) entitled "An Act To amend Section 167, Title 62, Code of Alabama of 1940 so that said Section 167, as amended, will provide in substance as follows: that in Jefferson County the Office of Coroner is abolished and that all powers, rights and duties now or hereafter authorized or required by law to be performed by coroners shall be exercised and performed by the county governing body through appointed Coroners/ Medical Examiners, representatives or agents, for the performance of such duties in the entire county or in a designated portion thereof; that the county governing body shall be authorized to promulgate rules and regulations governing the operation of the Coroners'/Medical Examiners' office and the performance of the duties of the members of the staff; that the employment and compensation of such Coroners/Medical Examiners, representatives or agents shall be governed by any applicable civil service law; that each Coroner/Medical examiner shall be a physician licensed to practice medicine in Alabama and recognized and trained in forensic medicine and pathology; that when there is more than one Coroner/Medical Examiner on the staff, the county governing body shall designate one of them as the Chief Coroner/ Medical Examiner, and until such designation the Coroner/Medical Examiner longest in the continuous service of the County shall be the Chief Coroner/Medical Examiner; that the Chief Coroner/Medical Examiner shall direct the staff, subject to the supervision of the county governing body; that it shall be the duty of the Chief Coroner/Medical Examiner to investigate and determine, or to secure another Coroner/Medical Examiner to investigate and determine the cause and manner of any death when any death falls within one or more of the following categories: (a) criminal violence or criminal neglect, (b) suicide, (c) accident, (d) suddenly when in apparent good health, (e) unattended by a practicing physician, (f) suspicious or unusual circumstances, (g) criminal abortion, (h) poisoning, (i) diseases constituting a threat to public health, (j) disease, injury or toxic agent resulting from employment, (k) while under anesthesia or within twenty-four hours following anesthesia or any other diagnostic or therapeutic procedure, (1) in any prison or penal institution, (m) when in police custody, (n) when a body is to be cremated, dissected or buried at sea, (o) unclaimed bodies, and (p) when a dead body is brought into this State without proper medical certification; that is investigating a death under Section 167, a Coroner/Medical

Examiner shall be authorized to take charge of the dead body, to investigate the circumstances of the death, to conduct or have conducted an autopsy, and whether or not there is an autopsy, to take and retain whatever tissues and biological samples he deems necessary, including blood and/or urine, from the body of a person which he deems necessary to establish the cause and manner of such person's death, and to take possession of any object or article which in his opinion would be useful in establishing the identity of the deceased and/or the cause and manner of death; that there shall be vested in Medical Examiners all the authority now or hereafter vested in coroners by the law of Alabama, including the authority Section 76, Title 15, Code of Alabama of 1940, herein called 'Section 76', vests in coroners to make inquiry of the facts and circumstances of the death of any person who has been killed or has suddenly died under such circumstances as to afford a reasonable ground for belief that such death has been occasioned by the act of another by unlawful means, and the authority Section 76 vests in coroners to submit to a judge of a court of record or a district attorney sworn written statements of witnesses having personal knowledge of such circumstances, and to summon, upon direction of such judge or district attorney, a jury to inquire into the cause and manner of such person's death; and that no member of the county governing body, Coroner/Medical Examiner, registered nurse or appointed assistant, shall incur any civil or criminal liability for his actions under Section 167."

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Kirkland	Proctor	
Bailey	Figures	Little	Smith	
Barron	Glass	Martin	Teague	
Britnell	Gulledge	Miller	Vacca	
Callahan	Hall	Parsons	Weeks	
Clemon	Holmes	Pearson	White	
Cook	Keener			—25
Nays:				—0

The Bill:

H. 318. Relating to Henry County, Alabama; providing for the appointment and compensation of a clerk for the Tax Collector and a clerk for the Tax Assessor of Henry County.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Martin	Proctor	
Bailey	Glass	McDonald	Robertson	
Britnell	Hall	Miller	St. John	
Callahan	Holmes	Mitchem	Smith	
Clemon	Keener	Parsons	Teague	
Cook	Lemaster	Pearson	Weeks	
Denton	Little			—25
Nays:				—0

The Bill:

H. 429. To alter or rearrange the boundary lines of the Town of Midland City, Dale County, Alabama, so as to include within the corporate limits of said town all territory now within such corporate limits, and also certain other territory in Dale County, Alabama.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Little	Proctor	
Bailey	Glass	Martin	Robertson	
Britnell	Goodwin	Miller	St. John	
Callahan	Hall	Mitchem	Smith	
Clemon	Holmes	Parsons	Teague	
Cook	Keener	Pearson	Weeks	
Denton	Lemaster			—25

Nays: —0

The Bill:

H. 686. To amend further Section 11-6-2 of the Code of Alabama 1975, as amended, so as to provide further for the qualifications of the county engineer in certain counties of this state.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Kirkland	Proctor	
Bailey	Figures	Little	Smith	
Barron	Glass	Martin	Teague	
Britnell	Hall	Miller	Vacca	
Callahan	Higginbotham	Parsons	Weeks	
Clemon	Holmes	Pearson	White	
Cook	Keener			—25

Nays: —0

The Bill:

H. 716. To provide an annual supplemental salary for the Judge of the District Court of Lee County, Alabama.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	McDonald	St. John	
Bailey	Glass	Miller	Smith	
Barron	Hall	Mitchem	Teague	
Britnell	Higginbotham	Parsons	Vacca	
Clemon	Keener	Pearson	Weeks	
Cook	Kirkland	Proctor	White	
Denton	Little			—25

Nays: —0

The Bill:

H. 995. Relating to Cullman County; to establish a county personnel board; to provide for the appointment, and compensation of the members; and to provide for the powers, duties and authority of the personnel board in the personnel administration of the county.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Little	Proctor	
Bailey	Figures	Martin	St. John	
Barron	Glass	Miller	Teague	
Britnell	Hall	Mitchem	Vacca	
Callahan	Holmes	Parsons	Weeks	
Clemon	Keener	Pearson	White	
Cook	Kirkland			—25

Nays: —0

The Bill:

H. 996. Relating to Cullman County; To provide for the construction, repair, and maintenance of roads and bridges; to provide for the powers and duties of the county commission and the state highway department in this respect; to provide for the transfer of certain equipment, funds and personnel; to provide for the appointment of a county engineer; to provide for the compensation of all county road employees; to provide a salary supplement for members of the county commission; and to provide for approval by the electors of Cullman County as an alternate means of effectuating the provisions hereof.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Holmes	Parsons	
Bailey	Figures	Keener	St. John	
Barron	Glass	Kirkland	Teague	
Britnell	Goodwin	Little	Vacca	
Callahan	Gulledge	Martin	Weeks	
Clemon	Hall	Miller	White	
Cook	Harrison			—25

Nays: —0

The Bill:

H. 727. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Sulligent, Lamar County, Alabama.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Glass	Martin	St. John	
Bailey	Hall	Miller	Smith	
Britnell	Holmes	Parsons	Teague	
Clemon	Keener	Pearson	Vacca	
Cook	Kirkland	Proctor	Weeks	
Denton	Lemaster	Robertson	White	
Figures	Little			—25
Nays:				—0

The Bill:

H. 808. Relating to Barbour County; to alter, rearrange and extend the boundary lines and corporate limits of the municipality of Eufaula in Barbour County.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Little	Proctor	
Bailey	Glass	Martin	Robertson	
Britnell	Hall	Miller	St. John	
Callahan	Higginbotham	Mitchem	Smith	
Clemon	Keener	Parsons	Teague	
Cook	Kirkland	Pearson	Weeks	
Denton	Lemaster			—25
Nays:				—0

The Bill:

H. 854. To amend Sections 1 and 2 of Act No. 727, H. 1051, Regular Session 1978 (Acts of 1978, p. 1052), entitled, "An Act Relating to Morgan County; to further provide for the salaries of employees of the sheriff's department and to provide for additional employees," so as to further provide for the salaries of employees of the sheriff's department and to provide for additional employees.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Little	Proctor	
Bailey	Figures	Martin	St. John	
Barron	Glass	Miller	Teague	
Britnell	Hall	Mitchem	Vacca	
Callahan	Holmes	Parsons	Weeks	
Clemon	Keener	Pearson	White	
Cook	Kirkland			—25
Nays:				—0

The Bill:

H. 885. Relating to Montgomery County; to authorize, provide for the licensing of, and to regulate the operation of and hunting on privately owned hunting preserves stocked by artificially propagated or "pen-raised" up-land birds; to prescribe the fees for such licenses; to provide for their collection and distribution; to provide that the licensee shall be an agent vendor of hunting licenses; and to prescribe penalties for violation of this Act.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Glass	Miller	St. John	
Barron	Harrison	Mitchem	Smith	
Callahan	Higginbotham	Parsons	Teague	
Clemon	Keener	Pearson	Vacca	
Cook	Kirkland	Proctor	Weeks	
Denton	Little	Robertson	White	
Figures	Martin			—25

Nays: —0

The Bill:

H. 886. Relating to Montgomery County; providing for authority to increase the compensation of all appointed election officers for each election; to provide for additional compensation to be paid election officials designated as the chief inspector, inspector and chief clerk for each election held based upon the number of voting machines; and to provide that this act shall be superseded by any subsequent statewide act increasing the compensation of election officials.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Glass	Miller	St. John	
Barron	Harrison	Mitchem	Smith	
Callahan	Holmes	Parsons	Teague	
Clemon	Keener	Pearson	Vacca	
Cook	Kirkland	Proctor	Weeks	
Denton	Little	Robertson	White	
Figures	Martin			—25

Nays: —0

The Bill:

H. 887. To provide that the Montgomery County Commission may grant certain cost of living increases to retired members of the Montgomery County retirement system and to authorize and empower said commission to make necessary contributions from the county general fund to effect such increases.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Glass	Miller	St. John	
Barron	Harrison	Mitchem	Smith	
Callahan	Holmes	Parsons	Teague	
Clemon	Keener	Pearson	Vacca	
Cook	Little	Proctor	Weeks	
Denton	Martin	Robertson	White	
Figures	McDonald			—25
Nays:				—0

The Bill:

H. 890. Relating to Morgan County; to amend Act No. 806, H. 1228, Regular Session 1971, (Acts 1971, p. 1561), entitled "An Act Relating to Morgan County; fixing the fee for issuance of pistol permits by the Sheriff and providing for distribution and use of such fees," so as to provide further for such fees.

was read at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Little	Proctor	
Bailey	Figures	Martin	St. John	
Barron	Glass	Miller	Teague	
Britnell	Hall	Mitchem	Vacca	
Callahan	Holmes	Parsons	Weeks	
Clemon	Keener	Pearson	White	
Cook	Kirkland			—25
Nays:				—0

The Bill:

H. 939. Relating to Marion County; providing for an expense allowance for each member of the county commission.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:				
Messrs.:	Glass	Miller	St. John	
Bailey	Hall	Mitchem	Smith	
Britnell	Holmes	Parsons	Teague	
Clemon	Keener	Pearson	Vacca	
Cook	Little	Proctor	Weeks	
Denton	Martin	Robertson	White	
Figures	McDonald			—25
Nays:				—0

The Bill:

H. 940. Relating to Marion County; to provide clerical assistance for the tax assessor and tax collector in said county.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Glass	Lemaster	Parsons	
Bailey	Goodwin	Little	Smith	
Britnell	Gulledge	Martin	Teague	
Clemon	Hall	McDonald	Vacca	
Cook	Holmes	Miller	Weeks	
Denton	Keener	Mitchem	White	
Figures	Kirkland			—25

Nays: —0

The Bill:

H. 959. Proposing an amendment to the Constitution of 1901, as amended, authorizing the City of Demopolis to levy and collect an additional tax on property for public educational purposes.

was read a third time at length as required by the Constitution and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Martin	St. John	
Bailey	Goodwin	Miller	Smith	
Barron	Hall	Mitchem	Teague	
Britnell	Holmes	Parsons	Vacca	
Clemon	Keener	Pearson	Weeks	
Cook	Lemaster	Proctor	White	
Denton	Little			—25

Nays: —0

The Bill:

H. 962. To provide further for the election of the chairman and members of the Dale County Commission so that said chairman shall be elected at large and said commissioners shall be elected from their respective districts and providing that this Act shall become effective only if approved at a referendum election in Dale County.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Glass	Martin	Proctor	
Bailey	Goodwin	McDonald	Robertson	
Britnell	Hall	Miller	St. John	
Callahan	Holmes	Mitchem	Smith	
Cook	Keener	Parsons	Teague	
Denton	Lemaster	Pearson	Weeks	
Figures	Little			—25

Nays: —0

The Bill:

H. 963. Relating to Dale County; to provide an additional expense allowance for the chairman and members of the county commission.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Goodwin	Martin	Proctor	
Bailey	Gulledge	McDonald	Robertson	
Britnell	Hall	Miller	St. John	
Cook	Holmes	Mitchem	Smith	
Denton	Keener	Parsons	Teague	
Figures	Lemaster	Pearson	Weeks	
Glass	Little			—25

Nays: —0

The Bill:

H. 965. To alter, rearrange and extend the boundary lines of the City of Troy, Alabama, so as to include additional land within the corporate limits.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Glass	Lemaster	Parsons	
Barron	Goodwin	Little	Pearson	
Britnell	Gulledge	Martin	Proctor	
Clemon	Hall	McDonald	Smith	
Cook	Holmes	Miller	Teague	
Denton	Keener	Mitchem	Weeks	
Figures	Kirkland			—25

Nays: —0

The Bill:

H. 969. To authorize the Coosa County Commission to provide protection against forest fires within the county and to assess the whole or a part of the cost thereof, within a prescribed limit, against forest lands in the county; and to prescribe the procedure for levying and collecting such assessments.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Little	St. John	
Bailey	Figures	Martin	Smith	
Barron	Glass	Miller	Teague	
Britnell	Hall	Mitchem	Vacca	
Callahan	Holmes	Parsons	Weeks	
Clemon	Keener	Proctor	White	
Cook	Kirkland			—25

Nays: —0

The Bill:

H. 970. Relating to Coosa County; to amend Act No. 864, H. 1099, 1978 Regular Session (Acts 1978, p. 1290), providing for the reidentification of registered voters in said county, so as to increase the salary of the board of registrars.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Little	St. John	
Bailey	Glass	Martin	Smith	
Barron	Hall	Miller	Teague	
Britnell	Holmes	Mitchem	Vacca	
Clemon	Keener	Parsons	Weeks	
Cook	Kirkland	Proctor	White	
Denton	Lemaster			—25

Nays: —0

The Bill:

H. 976. Relating to Russell County; providing for the hiring of five additional deputy sheriffs to be appointed by the sheriff and providing salaries therefor.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Little	Proctor	
Bailey	Glass	Martin	Smith	
Barron	Hall	Miller	Teague	
Britnell	Higginbotham	Mitchem	Vacca	
Clemon	Keener	Parsons	Weeks	
Cook	Kirkland	Pearson	White	
Denton	Lemaster			—25

Nays: —0

The Bill:

H. 977. Relating to Russell County; to provide that all functions, duties and responsibilities for the construction, maintenance and repair of public roads, highways, bridges and ferries in the county shall be vested in the county engineer and shall be maintained on the basis of the county as a whole, without regard to district or beat lines, and to prescribe certain duties for the county engineer.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Britnell	Denton	Hall
Bailey	Clemon	Figures	Higginbotham
Barron	Cook	Glass	Keener

Kirkland	Mitchem	St. John	Vacca	
Little	Parsons	Smith	Weeks	
Martin	Proctor	Teague	White	
Miller	Robertson			—25

Nays: —0

The Bill:

H. 981. Relating to Baldwin County; to provide all additional expense allowance for the coroner of said county.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Kirkland	Parsons	
Bailey	Figures	Lemaster	Smith	
Barron	Glass	Little	Teague	
Britnell	Gulledge	Martin	Vacca	
Callahan	Hall	Miller	Weeks	
Clemon	Holmes	Mitchem	White	
Cook	Keener			—25

Nays: —0

The Bill:

H. 989. Relating to Houston County; to allow the assessment and payment of fees by owners for the paving by the county of streets within the county; to authorize the county governing body to establish and maintain a program of street paving, and to allow Houston County a lien therefore on such abutting land and improvements thereon.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Lemaster	Proctor	
Bailey	Glass	Little	Smith	
Britnell	Goodwin	Martin	Teague	
Callahan	Hall	Miller	Vacca	
Clemon	Holmes	Parsons	Weeks	
Cook	Keener	Pearson	White	
Denton	Kirkland			—25

Nays: —0

The Bill:

H. 1004. Relating to Marshall County; to provide further for the powers and duties of the county commission; to ratify and confirm certain expenditures heretofore made to the custodian of voting machines; and to provide further for the method of compensation of said custodian by the county commission.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Kirkland	Proctor	
Bailey	Figures	Lemaster	Smith	
Barron	Glass	Little	Teague	
Britnell	Gulledge	Martin	Vacca	
Callahan	Hall	Mitchem	Weeks	
Clemon	Holmes	Pearson	White	
Cook	Keener			—25

Nays: —0

The Bill:

H. 1005. Relating to Marshall County: fixing the fee for the issuance of a pistol permit by the sheriff and providing for the deposit of such fees in a sheriff's fund.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Glass	Lemaster	Proctor	
Bailey	Goodwin	Little	Smith	
Barron	Gulledge	Martin	Teague	
Britnell	Hall	McDonald	Vacca	
Cook	Harrison	Mitchem	Weeks	
Denton	Holmes	Pearson	White	
Figures	Keener			—25

Nays: —0

The Bill:

H. 1007. Relating to Lauderdale County; to amend Act No. 285, H. 1050, Regular Session 1975 (Acts 1975, p. 820), relating to the expense allowance for the county coroner, so as to further provide for such allowance.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Clemon	Glass	Hall
Bailey	Cook	Goodwin	Holmes
Barron	Denton	Gulledge	Keener

Kirkland	Parsons	St. John	Vacca	
Little	Pearson	Smith	Weeks	
Martin	Proctor	Teague	White	
Miller	Robertson			—25

Nays: —0

The Bill:

H. 1008. Relating to Lauderdale County; to further amend Section 2 of Act No. 791, H. 923, 1969 Regular Session (Acts 1969, p. 1421), which provides for the deputy sheriff's uniform allowance, so as to include other employees within the scope of said section.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Little	Proctor	
Bailey	Glass	Martin	Smith	
Barron	Goodwin	Miller	Teague	
Britnell	Gulledge	Mitchem	Vacca	
Callahan	Hall	Parsons	Weeks	
Clemon	Holmes	Pearson	White	
Cook	Keener			—25

Nays: —0

The Bill:

H. 1009. Relating to Lauderdale County; providing further for the salary of the members of the Board of Equalization, payable pursuant to Section 40-3-8 of the Code of Alabama 1975, with the municipality, county and state sharing the costs therefor; and providing for retroactive effect to May 15, 1979.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Little	Proctor	
Bailey	Glass	Martin	Smith	
Barron	Goodwin	Miller	Teague	
Britnell	Gulledge	Mitchem	Vacca	
Callahan	Hall	Parsons	Weeks	
Clemon	Holmes	Pearson	White	
Cook	Keener			—25

Nays: —0

The Bill:

H. 1019. Relating to Marshall County; to provide a salary increase for the tax assessor and tax collector for said county and to provide for the effective date of said increase.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Keener	Mitchem	
Bailey	Figures	Kirkland	Smith	
Barron	Glass	Lemaster	Teague	
Britnell	Gulledge	Little	Vacca	
Callahan	Hall	Martin	Weeks	
Clemon	Harrison	McDonald	White	
Cook	Holmes			—25

Nays: —0

The Bill:

S. 633. To provide for a supplemental salary for the District Attorney of the Thirtieth Judicial Circuit, to be paid equally by the counties; comprising such circuit; and to fix the amount and method of payment thereof; and to provide for retroactive effect.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Little	Robertson	
Bailey	Glass	Martin	St. John	
Barron	Goodwin	McDonald	Smith	
Britnell	Hall	Mitchem	Teague	
Clemon	Holmes	Pearson	Weeks	
Cook	Keener	Proctor	White	
Denton	Lemaster			—25

Nays: —0

The Bill:

S. 635. Relating to the method of giving notice of the requirement of attendance of jury service and the procedure for summoning witnesses in Shelby County; to provide that witnesses may be subpoenaed by United States mail in the county under certain conditions.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Little	Proctor	
Bailey	Glass	Martin	Smith	
Barron	Gulledge	McDonald	Teague	
Britnell	Hall	Miller	Vacca	
Callahan	Holmes	Mitchem	Weeks	
Cook	Keener	Parsons	White	
Denton	Kirkland			—25

Nays: —0

The Bill:

H. 821. To amend Section 1 of Act No. 1247, H. 1642, Regular Session 1971 (Acts 1971, p. 2147), relating to the issuance of pistol permits in Cullman County, so as to increase the fee for said permits.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Little	Proctor	
Bailey	Figures	Martin	St. John	
Barron	Glass	Miller	Teague	
Britnell	Hall	Mitchem	Vacca	
Callahan	Holmes	Parsons	Weeks	
Clemon	Keener	Pearson	White	
Cook	Kirkland			—25

Nays: —0

The Bill:

H. 873. Relating to Jackson County, Alabama; providing for the payment of an expense allowance of not more than two hundred dollars ($200.00) per month to the chairman of the Jackson County commission and to each member of said commission and repealing any laws in conflict therewith.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Little	St. John	
Bailey	Figures	Miller	Smith	
Barron	Glass	Mitchem	Teague	
Britnell	Hall	Parsons	Vacca	
Callahan	Holmes	Pearson	Weeks	
Clemon	Keener	Proctor	White	
Cook	Lemaster			—25

Nays: —0

The Bill:

H. 983. Relating to Cleburne County; to provide for the taxing and collecting of certain additional court costs for the purposes of establishing a Law Library Fund and a Sheriff's Department Fund; and to authorize the expenditure of said funds.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Miller	St. John	
Bailey	Glass	Mitchem	Smith	
Barron	Hall	Parsons	Teague	
Britnell	Holmes	Pearson	Vacca	
Clemon	Little	Proctor	Weeks	
Cook	Martin	Robertson	White	
Denton	McDonald			—25

Nays: —0

The Bill:

H. 984. Relating to Clay County; abolishing the position of county license inspector; placing the powers, duties and functions of said office in the sheriff of said county; providing for the disposition of fees accruing from the performance of the duties of license inspector and repealing conflicting laws.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Kirkland	Parsons	
Bailey	Glass	Lemaster	Smith	
Barron	Goodwin	Little	Teague	
Britnell	Gulledge	Martin	Vacca	
Clemon	Hall	Miller	Weeks	
Cook	Harrison	Mitchem	White	
Denton	Holmes			—25

Nays: —0

The Bill:

H. 985. To reopen the state employees' retirement system of Alabama for prior service for certain employees of Cleburne County who did not become members of the said retirement system on the date of the effective participation of Cleburne County; to provide that as a prerequisite to such credit, members must be an active and contributing member of the employees' retirement system and in the active service of Cleburne County, the employer for whom such prior service was rendered; and providing that Cleburne County shall pay such employer costs as are necessary with respect to its employees subject to this act.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Kirkland	Mitchem	
Bailey	Figures	Lemaster	Smith	
Barron	Glass	Little	Teague	
Britnell	Goodwin	Martin	Vacca	
Callahan	Hall	McDonald	Weeks	
Clemon	Harrison	Miller	White	
Cook	Holmes			—25

Nays: —0

The Bill:

H. 986. Relating to Cleburne County; abolishing the position of county license inspector; placing the powers, duties and functions of said office in the sheriff of said county; providing for the disposition of fees accruing from the performance of the duties of license inspector and repealing conflicting laws.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Kirkland	Proctor	
Bailey	Figures	Little	Smith	
Barron	Glass	Martin	Teague	
Britnell	Goodwin	Miller	Vacca	
Callahan	Gulledge	Mitchem	Weeks	
Clemon	Hall	Parsons	White	
Cook	Holmes			—25

Nays: —0

The Bill:

H. 997. Relating to Walker County, providing for the establishment of a consolidated and unified system for assessment and collection of taxes, under the supervision of an elected county official designated as county revenue commissioner, and repealing conflicting laws.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Little	Proctor	
Bailey	Glass	Martin	St. John	
Barron	Goodwin	Miller	Teague	
Callahan	Hall	Mitchem	Vacca	
Clemon	Holmes	Parsons	Weeks	
Cook	Keener	Pearson	White	
Denton	Lemaster			—25

Nays: —0

The Bill:

H. 998. Relating to Walker County, Alabama, only; to provide for compensation for the members of the Board of Equalization for Walker County and to provide retroactive effect to June 1, 1979.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Kirkland	Mitchem	
Bailey	Figures	Lemaster	St. John	
Barron	Glass	Little	Teague	
Britnell	Goodwin	Martin	Vacca	
Callahan	Hall	McDonald	Weeks	
Clemon	Holmes	Miller	White	
Cook	Keener			—25

Nays: —0

The Bill:

H. 999. To amend Section 2 of Act No. 115, H. 332, 1953 Regular Session (Acts of 1953, p. 164) entitled "An Act Relating to the Fourteenth Judicial Circuit; providing for the drawing and the summoning and service by mail of petit jurors in criminal, quasi-criminal and civil cases and persons drawn for jury service to compose grand juries in the Fourteenth Judicial Circuit and providing secrecy as to names and identity of persons drawn for petit or grand jury service and prescribing penalties for violation of this Act," so as to provide for jury summons by regular mail.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Kirkland	Mitchem	
Bailey	Figures	Lemaster	St. John	
Barron	Glass	Little	Teague	
Britnell	Goodwin	Martin	Vacca	
Callahan	Hall	McDonald	Weeks	
Clemon	Holmes	Miller	White	
Cook	Keener			—25

Nays: —0

The Bill:

H. 1000. Relating to Walker County; assessing an additional fee for any criminal or misdemeanor proceeding in the circuit, district or juvenile court; providing for the collecting and disbursing of such funds; and prescribing that the revenue collected pursuant to the provisions of this act shall be paid into the county treasury for the juvenile court advisory committee.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Keener	Proctor	
Bailey	Figures	Little	St. John	
Barron	Glass	Martin	Teague	
Britnell	Goodwin	Miller	Vacca	
Callahan	Hall	Mitchem	Weeks	
Clemon	Higginbotham	Parsons	White	
Cook	Holmes			—25

Nays: —0

The Bill:

H. 1001. To provide for a supplemental salary for the circuit judges and an expense allowance for the District Attorney of the Fourteenth Judicial Circuit; to be paid by the county comprising such circuit, to fix the amount and method of payment of such salary and expense allowance; and to provide that no retirement contributions shall be deducted from the District Attorney's expense allowance.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Lemaster	Parsons	
Bailey	Figures	Little	St. John	
Barron	Glass	Martin	Teague	
Britnell	Goodwin	McDonald	Vacca	
Callahan	Hall	Miller	Weeks	
Clemon	Holmes	Mitchem	White	
Cook	Keener			—25

Nays: —0

The Bill:

H. 1010. To amend Act No. 192, H. 526, 1971 Regular Session (Acts 1971, p. 487) entitled "An Act relating to Calhoun County; providing for meetings of and clerical assistance to the board of registrars of Calhoun County," relative to the salary of the executive secretary to the board, to make the provisions of this amendatory act retroactive.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Martin	Robertson	
Bailey	Figures	Miller	St. John	
Barron	Glass	Mitchem	Smith	
Britnell	Hall	Parsons	Teague	
Callahan	Holmes	Pearson	Weeks	
Clemon	Lemaster	Proctor	White	
Cook	Little			—25

Nays: —0

The Bill:

H. 1011. To repeal Act No. 225, H. 214, approved September 11, 1975, Regular Session 1975 (Acts 1975, p. 753), entitled "An Act Relating to Calhoun County; providing for meetings of and clerical assistance to the board of registrars of Calhoun County, relative to the salary of the executive secretary to the board, to make the provisions of this amendatory act retroactive."

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Martin	Robertson	
Bailey	Figures	Miller	St. John	
Barron	Glass	Mitchem	Smith	
Britnell	Hall	Parsons	Teague	
Callahan	Holmes	Pearson	Weeks	
Clemon	Lemaster	Proctor	White	
Cook	Little			—25

Nays: —0

The Bill:

H. 925. Relating to Monroe County; to amend Act No. 1823, H. 2473, 1971 Regular Session (Acts of 1971, p. 2991), so as to increase the coroner expense account.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Martin	Proctor	
Bailey	Figures	McDonald	Smith	
Barron	Glass	Miller	Teague	
Britnell	Hall	Mitchem	Vacca	
Callahan	Holmes	Parsons	Weeks	
Clemon	Kirkland	Pearson	White	
Cook	Little			—25

Nays: —0

The Bill:

H. 966. Relating to Conecuh County; to provide for an increase in the pay of members of the board of equalization.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Little	St. John	
Bailey	Figures	Martin	Smith	
Barron	Glass	Miller	Teague	
Britnell	Gulledge	Parsons	Vacca	
Callahan	Hall	Proctor	Weeks	
Clemon	Holmes	Robertson	White	
Cook	Kirkland			—25

Nays: —0

The Bill:

H. 967. Relating to Conecuh County; to provide an additional expense allowance for the tax collector of such county for clerk hire.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Glass	Martin	St. John	
Bailey	Goodwin	McDonald	Smith	
Barron	Gulledge	Miller	Teague	
Clemon	Hall	Parsons	Vacca	
Cook	Holmes	Pearson	Weeks	
Denton	Kirkland	Proctor	White	
Figures	Little			—25

Nays: —0

The Bill:

H. 968. Relating to Conecuh County; to provide an additional clerk-hire allowance for the tax assessor.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Martin	Proctor	
Bailey	Figures	McDonald	Smith	
Barron	Glass	Miller	Teague	
Britnell	Hall	Mitchem	Vacca	
Callahan	Holmes	Parsons	Weeks	
Clemon	Kirkland	Pearson	White	
Cook	Little			—25

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Waggoner, Moore and Smith (C) (with notice and proof):

H. 1034. Relating to Shelby County; to levy and collect special county privilege license and excise taxes paralleling the state sales and use taxes provided for in Chapter 23 of Title 40, Code of Alabama 1975, as amended; providing for the collection and enforcement of such taxes by the state revenue department; providing for the distribution and use of the proceeds; providing penalties for violations of this act; and providing that the terms of this act shall not become effective unless approved by the electors of Shelby County at a referendum election held for such purpose.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1034, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Daniels (with notice and proof):

H. 1056. Relating to Geneva County; to provide an additional expense allowance for the chairman and members of the county commission.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1056, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Williams and Sasser (with notice and proof):

H. 1052. To alter or rearrange the boundary lines of the Town of Level Plains, Dale County, Alabama, so as to include within the corporate limits of said Town all territory now within such corporate limits and also certain other territory contiguous thereto, in Dale County, Alabama.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1052, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Williams and Sasser (with notice and proof):

H. 1053. To alter or rearrange the boundary lines of the Town of Level Plains, Dale County, Alabama, so as to include within the corporate limits of said Town all territory now within such corporate limits and also certain other territory contiguous thereto, in Dale County, Alabama.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1053, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Adams (H) (with notice and proof):

H. 1057. Relating to Cherokee County; authorizing the county commission to levy a special county privilege license and excise tax paralleling the state sales and use taxes provided for in Chapter 23 of Title 40 of the Code of Alabama 1975, as amended; providing for the collection and enforcement of such taxes by the State Department of Revenue; providing for the distribution and use of the proceeds; and providing penalties for violations of this Act.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1057, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Letson (with notice and proof):

H. 1058. Relating to Lawrence County; to provide for the total rehabilitation of certain persons, both male and female, convicted of any type crime and sentenced to a term of confinement in the Lawrence County Jail, and providing for a rehabilitation Board to supervise and administer the rehabilitation processes of this Act; to provide further for the carrying out of the provisions of this Act and to repeal all laws or parts of laws which conflict with this Act.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1058, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 1034, 1056, 1052, 1053, 1057, and 1058. To the Committee on Local Legislation No. 1.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 200. Relating to Tallapoosa County; providing for an additional fee for a pistol permit or license in the county; providing for the disposition of the proceeds from such fees; repealing conflicting laws and specifically repealing Act No. 642, H. 1522, Regular Session 1975 (Acts 1975, p. 1398); and providing for its retroactive effect.

Also:

S. 342. To provide for certain one time expense allowances for the tax assessor and tax collector of Tallapoosa County to defray the expenses of converting their offices from a fee basis to a salary basis system of compensation.

JOHN W. PEMBERTON,
Clerk.

BILLS ON THIRD READING RESUMED

The Bill:

H. 993. This bill provides that a stamp shall be affixed to each magazine sold in Mobile County which contains pictures or photographs of uncovered female breasts or the uncovered genital organs of a man or woman, providing for a fee to be charged for each stamp and providing for the use of the revenue collected therefrom.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Little	Proctor	
Bailey	Glass	Martin	Smith	
Barron	Gulledge	Miller	Teague	
Callahan	Hall	Mitchem	Vacca	
Clemon	Holmes	Parsons	Weeks	
Cook	Keener	Pearson	White	
Denton	Lemaster			—25

Nays: —0

CONSENT CALENDAR

The Bill:

H. 304. Relating to electors; to authorize incorporated municipalities to enter into contracts with any county and its board of registrars to conduct a program of identification of registered electors residing within the corporate limits of the municipality; to provide that any county and its board of registrars may conduct an identification program of electors residing in the municipality; to authorize incorporated municipalities to expend public funds for such purposes herein set forth.

was read a third time at length and passed.

Yeas 18; Nays 0.

Yeas:

Messrs.:	Harrison	McDonald	Smith	
Bailey	Holmes	Miller	Teague	
deGraffenried	Kirkland	Proctor	Weeks	
Denton	Little	Robertson	White	
Gulledge	Martin	St. John		—18

Nays: —0

CALENDAR BILL INDEFINITELY POSTPONED

On motion of Mr. Martin, consideration of the Bill, S. B. 179, was indefinitely postponed by the Senate.

BILLS ON THIRD READING RESUMED

The Bill:

H. 772. To further amend Section 34-5-15 of the Code of Alabama 1975, as amended, relating to applicability of the state barber's law, so as to provide further for such applicability.

was taken up by unanimous consent.

The Standing Committee on Health and Welfare reported the following amendment to the Bill, H. B. 772, to-wit:

COMMITTEE AMENDMENT TO H. B. 772

Amend H. B. 772 by striking Section 1, page 1, and inserting in lieu thereof the following:

Section 1. Section 34-5-15 of the Code of Alabama 1975, as last amended, is hereby amended to read as follows:

"§ 34-5-15.

"The provisions of this chapter shall not apply to Clay, Talladega, Wilcox, Baldwin, Lowndes, Sumter, Lawrence, Butler, Russell, Jefferson or Cleburne counties. If this section, or any other section or part of this chapter, is declared unconstitutional by a court of competent jurisdiction, then this entire chapter shall be null and void and of no further force and effect."

Which was adopted.

Yeas 16; Nays 0.

Yeas:

Messrs.:	Gulledge	Little	St. John
Bailey	Harrison	Martin	Smith
Britnell	Holmes	Miller	Weeks
deGraffenried	Kirkland	Parsons	White
Denton			

—16

Nays: —0

(The President and Presiding Officer of the Senate declared a quorum present but not voting.)

Mr. Kirkland moved that the Senate reconsider the vote by which the committee amendment to the Bill, H. B. 772, was adopted.

Mr. White moved that the motion to reconsider be laid on the table, which motion was lost.

The question then recurred on the motion to reconsider, which motion was adopted, and the Senate reconsidered said vote.

On motion of Mr. Kirkland, said amendment was laid on the table.

And said Bill, H. B. 772, was read a third time at length and passed.

Yeas 23; Nays 0.

Yeas:

Messrs.:	Hall	Little	Robertson
Bailey	Harrison	Martin	St. John
Barron	Holmes	Miller	Smith
Britnell	Keener	Mitchem	Teague
Denton	Kirkland	Parsons	Weeks
Gulledge	Lemaster	Proctor	White

—23

Nays: —0

The Bill:

H. 3. To amend Section 37-1-3, Code of Alabama 1975, so as to provide that the members of the Public Service Commission shall take office the day after the general election at which they were elected.

was taken up.

The Standing Committee on Commerce, Transportation, and Utilities reported the following amendment to the Bill, H. B. 3, to-wit:

COMMITTEE AMENDMENT TO H. B. 3

AMEND HOUSE BILL 3, page 2, line 31 by inserting the following new section and by renumbering subsequent sections accordingly.

"Section 2. The provisions of this Act shall not diminish the current term of any member elected to the Public Service Commission."

Which was adopted.

Yeas 26; Nays 0.

Yeas:

Messrs.:	Gulledge	Lemaster	St. John
Bailey	Hall	Little	Smith
Barron	Harrison	Martin	Teague
Britnell	Higginbotham	Miller	Vacca
deGraffenried	Holmes	Mitchem	Weeks
Denton	Keener	Parsons	White
Goodwin	Kirkland	Robertson	

—26

Nays: —0

And said Bill, H. B. 3, as thus amended, was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Gulledge	Lemaster	St. John
Barron	Hall	Little	Smith
Britnell	Harrison	Martin	Teague
Callahan	Holmes	Miller	Vacca
deGraffenried	Keener	Mitchem	Weeks
Denton	Kirkland	Parsons	White
Goodwin			

—24

Nays: —0

The Bill:

H. 263. To amend Section 5-1-9, Code of Alabama 1975, so as to provide that call reports shall be transmitted by each state bank to the superintendent of banks within thirty days after the receipt of a request therefor from him; to provide further that any state bank failing to transmit such call report within the thirty-day period shall pay a penalty to the state banking department of one hundred dollars per day.

was read a third time at length and passed.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Goodwin	Keener	Smith
Barron	Gulledge	Little	Teague
Britnell	Hall	Martin	Vacca
Denton	Harrison	Mitchem	Weeks
Glass	Holmes	St. John	White

—19

Nays: —0

The Bill:

H. 266. To amend Section 5-3-1, Code of Alabama 1975, relating to state banks, so as further to regulate such banks by requiring that certain annual audits be made and be available on bank premises to the superintendent of banks; and to authorize the superintendent of banks to promulgate rules and regulations establishing minimum standards for such audits and reports.

was read a third time at length and passed.

Yeas 22; Nays 0.

Yeas:

Messrs.:	Denton	Little	St. John
Barron	Goodwin	Martin	Smith
Britnell	Gulledge	Miller	Vacca
Callahan	Holmes	Mitchem	Weeks
Cook	Keener	Parsons	White
deGraffenried	Kirkland	Proctor	

—22

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 364. To further regulate the liquor traffic in Autauga County; to give the municipal governing bodies or the county commission the right and authority to suspend or revoke any license issued for the sale of alcoholic beverages; to make such suspension or revocation subject to review by the State Alcoholic Beverage Control Board.

Also:

S. 634. To regulate the expense allowances in the Thirtieth Judicial Circuit for district judges; and provide for retroactive effect.

Also:

S. 583. Providing an expense allowance for the chairman and members of the Winston County Commission.

Also:

S. 584. Relating to Winston County; to provide for the disposition of proceeds of any coal and lignite severance tax distributed to the county by the state; to repeal Act Number 75, H. 50, 1978 Second Special Session, (Acts 1978, p. 1764).

Also:

S. 592. Relating to Etowah County; providing for the salaries of the chairman of the county commission and the members of such commission.

JOHN W. PEMBERTON,
Clerk.

CONSENT CALENDAR BILLS
ON THIRD READING RESUMED

The Bill:

H. 267. To amend Title 5, Section 185, Alabama Code, relating to directors of banks or trust companies doing a banking business organized under Alabama law; to change the residence requirements by providing that at least fifty-one percent of the directors of every such bank or trust company shall be residents of the State of Alabama.

was read a third time at length and passed.

Yeas 19; Nays 1.

Yeas:

Messrs.:	Denton	Higginbotham	Mitchem
Bailey	Glass	Holmes	Smith
Barron	Gulledge	Keener	Vacca
Britnell	Hall	Kirkland	Weeks
deGraffenried	Harrison	Lemaster	White

—19

Nay: Mr. Little. —1

The Bill:

H. 455. To amend Section 9-11-44, Code of Alabama 1975, relating to annual residence hunting licenses, so as to increase the fee for such licenses.

was read a third time at length and passed.

Yeas 16; Nays 2.

Yeas:

Messrs.:	Holmes	McDonald	Smith
Britnell	Keener	Mitchem	Teague
Denton	Kirkland	Pearson	Vacca
Hall	Little	Proctor	White
Higginbotham			—16

Nays: Messrs.: Barron, Glass. —2

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills and Senate Joint Resolutions with the original Senate Bills and Senate Joint Resolutions respectively, and finds same correctly enrolled, to-wit:

S. J. R. 140. COMMENDING BRIGADIER LUTHER M. SMITH AND HIS WIFE, MRS. BRIGADIER JEWELL SMITH, OF THE SALVATION ARMY IN BIRMINGHAM, FOR THEIR DISTINGUISHED HUMANITARIAN SERVICE.

Also:

S. J. R. 143. Mourning the death of Frank Lloyd Haynes.

Also:

S. J. R. 144. MOURNING THE DEATH OF MR. WARD W. McFARLAND, PROMINENT LAND DEVELOPER AND FORMER DIRECTOR OF THE ALABAMA STATE HIGHWAY DEPARTMENT AND OF THE ALABAMA STATE DOCKS.

Also:

S. J. R. 145. COMMENDING DR. WILLIAM ROBERT WILLARD UPON HIS RETIREMENT.

Also:

S. J. R. 146. MOURNING THE DEATH OF MR. LEONARD PRESTON HOUSTON OF COOSADA, ELMORE COUNTY, ALABAMA.

Also:

S. 229. To provide that all justices of the supreme court, judges of the courts of appeal, and circuit judges assuming office for the first time on or after May 1, 1979 effective date of this act, shall be entitled to benefits under the judicial retirement fund; to prescribe certain exceptions, including: (a) Such justices or judges shall not receive retirement pay until age sixty; (b) retirement pay shall be computed upon a percentage of final salary at the time of retirement; (c) any cost-of-living increase shall be limited to the times such increments are granted to state employees; (d) only prior creditable service as a judge shall count toward judicial retirement; to provide that certain prior service as a district court judge may be counted toward retirement as a circuit or appellate judge; to repeal conflicting laws.

Also:

S. 481. To create and provide for the Lawrence County Racing Commission for the regulating, licensing and supervision of horse racing and wagering thereon; to prescribe the composition, appointment, powers, and duties of the Commission; to provide for and regulate the pari-mutuel or certificate method of wagering within the enclosure of a licensed race track; to provide for the distribution of license fees, taxes, commissions, and other monies received under the provisions of the act; to provide certain penalties for the violation of this act and for other purposes relative thereto; and to provide for a referendum of the voters of the county on the question of whether the act will become effective in the county.

Also:

S. 200. Relating to Tallapoosa County; providing for an additional fee for a pistol permit or license in the county; providing for the disposition of the proceeds from such fees; repealing conflicting laws and specifically repealing Act No. 642, H. 1522, Regular Session 1975 (Acts 1975, p. 1398); and providing for its retroactive effect.

Also:

S. 342. To provide for certain one time expense allowances for the tax assessor and tax collector of Tallapoosa County to defray the expenses of converting their offices from a fee basis to a salary basis system of compensation.

ALBERT McDONALD,
Chairman.

SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills and Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

CONSENT CALENDAR
BILLS ON THIRD READING RESUMED

The Bill:

S. 499. To amend Section 41-9-325, Code of Alabama 1975, so as to give the Tannehill Furnace and Foundry Commission the specific power to make and alter rules and regulations governing the Tannehill Historical State Park; to make the violation of such rules a misdemeanor; and to give the commission police power over the park premises.

was taken up.

On motion of Mr. deGraffenried, consideration of the Bill, S. B. 499, was postponed until the next Legislative Day.

The Bill:

H. 103. To amend Section 6-5-335, Code of Alabama 1975, relating to the exemption from civil liability of members of organized volunteer fire departments who make efforts to preserve and protect any building and

property from fire, so as to exempt such volunteers as well as members of organized rescue squads from civil liability whose acts, in the line of their duties, unintentionally cause injury to fellow volunteers or owners of said property.

was read a third time at length and passed.

Yeas 20; Nays 0.

Yeas:

Messrs.:	Glass	Kirkland	Mitchem
Bailey	Goodwin	Little	Robertson
Barron	Hall	Martin	Smith
Britnell	Higginbotham	McDonald	Vacca
deGraffenried	Holmes	Miller	Weeks
Denton			

—20

Nays: —0

The Bill:

H. 235. Relating to illegal nighttime deer hunting; declaring motor vehicles, guns, rifles, ammunition and hunting equipment used in illegal nighttime deer hunting to be contraband; and providing for the condemnation and sale thereof for the benefit of the state game and fish fund.

was read a third time at length and passed.

Yeas 20; Nays 0.

Abstaining 1.

Yeas:

Messrs.:	Hall	Little	Smith
Bailey	Higginbotham	Martin	Teague
Barron	Holmes	Miller	Vacca
Britnell	Kirkland	Mitchem	Weeks
deGraffenried	Lemaster	Proctor	White
Denton			

—20

Nays: —0

Abstaining: Mr. Robertson. —1

The Bill:

H. 292. To amend section 12-17-183 of the Code of Alabama 1975, relating to residency requirements of district attorneys in the state, so as to regulate further the residency requirements of the district attorneys.

was read a third time at length and passed.

Yeas 26; Nays 0.

Yeas:

Messrs.:	Britnell	Figures	Gulledge
Bailey	Clemon	Glass	Hall
Barron	Denton	Goodwin	Harrison

Higginbotham	Lemaster	Mitchem	Teague	
Holmes	Little	Robertson	Vacca	
Keener	Martin	St. John	Weeks	
Kirkland	Miller	Smith		—26

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Johnson and Ray:

H. J. R. 306. COMMENDING THE UNIVERSITY OF ALABAMA CHAPTER OF PHI DELTA KAPPA ON ITS FIFTIETH ANNIVERSARY AND DESIGNATING APRIL 25, 1980, AS PHI DELTA KAPPA DAY.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Robertson, the Rules were suspended and the Resolution, H. J. R. 306, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 686. To amend further Section 11-6-2 of the Code of Alabama 1975, as amended, so as to provide further for the qualifications of the county engineer in certain counties of this state.

Also:

H. 716. To provide an annual supplemental salary for the Judge of the District Court of Lee County, Alabama.

Also:

H. 771. To repeal Act No. 751, S. 599, 1967 Regular Session (Acts 1967, p. 1606), as last amended which relates to the maintenance and operation of county health departments in all counties having populations of not less than 300,000 nor more than 500,000 according to the most recent federal decennial census.

Also:

H. 893. Relating to Jefferson County; to fix and prescribe the salary of the tax collector of said county.

Also:

H. 995. Relating to Cullman County; to establish a county personnel board; to provide for the appointment, and compensation of the members; and to provide for the powers, duties and authority of the personnel board in the personnel administration of the county.

Also:

H. 996. Relating to Cullman County; To provide for the construction, repair, and maintenance of roads and bridges; to provide for the powers and duties of the county commission and the state highway department in this respect; to provide for the transfer of certain equipment, funds and personnel; to provide for the appointment of a county engineer; to provide for the compensation of all county road employees; to provide a salary supplement for members of the county commission; and to provide for approval by the electors of Cullman County as an alternate means of effectuating the provisions hereof.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, and House Joint Resolutions, your signature thereto is requested.

H. 43. Relating to Jefferson County; to repeal Act No. 512, S. 702, 1977 Regular Session (Acts 1977, p. 674) entitled "An Act To amend Section 167, Title 62, Code of Alabama of 1940 so that said Section 167, as amended, will provide in substance as follows: that in Jefferson County the Office of Coroner is abolished and that all powers, rights and duties now or hereafter authorized or required by law to be performed by coroners shall be exercised and performed by the county governing body through appointed Coroners/Medical Examiners, representatives or agents, for the performance of such duties in the entire county or in a designated portion thereof; that the county governing body shall be authorized to promulgate rules and regulations governing the operation of the Coroners'/Medical Examiners' office and the performance of the duties of the members of the staff; that the employment and compensation of such Coroners/Medical Examiners, representatives or agents shall be governed by any applicable civil service law; that each Coroner/Medical Examiner shall be a physician licensed to practice medicine in Alabama and recognized and trained in forensic medicine and pathology; that when there is more than one Coroner/Medical Examiner on the staff, the county governing body shall designate one of them as the Chief Coroner/Medical Examiner, and until such designation the Coroner/Medical Examiner longest in the continuous service of the County shall be the Chief Coroner/Medical Examiner; that the Chief Coroner/Medical Examiner shall direct the staff, subject to the supervision of the county governing body; that is shall be the duty of the Chief Coroner/Medical Examiner to investigate and determine, or to secure another Coroner/Medical Examiner to investigate and determine the cause and manner of any death when any death falls within one or more of the following categories: (a) criminal violence or criminal neglect, (b) suicide, (c) accident, (d) suddenly when in apparent good health, (e) unattended by a practicing physician, (f) suspicious or unusual circumstances, (g) criminal abortion, (h) poisoning, (i) diseases constituting a

threat to public health, (j) disease, injury or toxic agent resulting from employment, (k) while under anesthesia or within twenty-four hours following anesthesia or any other diagnostic or therapeutic procedure, (l) in any prison or penal institution, (m) when in police custody, (n) when a body is to be cremated, dissected or buried at sea, (o) unclaimed bodies, and (p) when a dead body is brought into this State without proper medical certification; that in investigating a death under Section 167, a Coroner/Medical Examiner shall be authorized to take charge of the dead body, to investigate the circumstances of the death, to conduct or have conducted an autopsy, and whether or not there is an autopsy, to take and retain whatever tissues and biological samples he deems necessary, including blood and/or urine, from the body of a person which he deems necessary to establish the cause and manner of such person's death, and to take possession of any object or article which in his opinion would be useful in establishing the identity of the deceased and/or the cause and manner of death; that there shall be vested in Medical Examiners all the authority now or hereafter vested in coroners by the law of Alabama, including the authority Section 76, Title 15, Code of Alabama of 1940, herein called 'Section 76', vests in coroners to make inquiry of the facts and circumstances of the death of any person who has been killed or has suddenly died under such circumstances as to afford a reasonable ground for belief that such death has been occasioned by the act of another by unlawful means, and the authority Section 76 vests in coroners to submit to a judge of a court of record or a district attorney sworn written statements of witnesses having personal knowledge of such circumstances, and to summon, upon direction of such judge or district attorney, a jury to inquire into the cause and manner of such person's death; and that no member of the county governing body, Coroner/Medical Examiner, registered nurse or appointed assistant, shall incur any civil or criminal liability for his actions under Section 167."

Also:

H. 318. Relating to Henry County, Alabama; providing for the appointment and compensation of a clerk for the Tax Collector and a clerk for the Tax Assessor of Henry County.

Also:

H. 429. To alter or rearrange the boundary lines of the Town of Midland City, Dale County, Alabama, so as to include within the corporate limits of said town all territory now within such corporate limits and also certain other territory in Dale County, Alabama.

Also:

H. 621. Relating to Mobile County; to provide for an increase in funds from the general fund of Mobile County for a county health department, including the acquisition of land, the erection, construction, extension, renewal, and repair of any buildings and improvements thereon and the maintenance and operation of such department; to anticipate such funds by temporary loan certificates; and to repeal all laws or parts of laws in conflict herewith.

Also:

H. J. R. 298. URGING ALL STATE EMPLOYEES TO COMPLY WITH PRESIDENT CARTER'S PLEA FOR FUEL CONSERVATION BY CARPOOLING WHENEVER POSSIBLE.

Also:

H. J. R. 299. MOURNING THE DEATH OF FRANK LLOYD HAYNES.

SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills and House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate.

S. 536. To provide for and create the Barbour County Racing Commission, for the regulating, licensing and supervision of Greyhound racing and wagering thereon; to prescribe the composition, appointment, powers, and duties of the commission; to provide for and regulate the pari-mutuel or certificate method of wagering within the enclosure of licensed race tracks; to provide for the distribution of license fees, taxes, commissions, and other monies received under the provisions of the act; and to provide certain penalties for the violation of this act and for other purposes relative thereto, and to provide for a referendum of the voters of the county and on the question of whether the act will become effective in the county.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

Mr. Weeks moved that the Senate concur in the following House amendment to the Bill, S. B. 536, the title of which is set out in the foregoing Message from the House, to-wit:

HOUSE AMENDMENT TO S. 536

Amend S. 536 as follows:

On page 2, line 13, by inserting before the word "Each", the following:

Each commissioner shall be a qualified elector of Barbour County and a resident citizen of Barbour County for not less than five years, not less than 19 years of age and of good moral character. In no event shall any person who has been convicted of a felony or crime involving moral turpitude serve as a commissioner.

On page 2, line 26, by striking out the words and figures "one thousand ($1,000.00)" and inserting in lieu thereof the following:

five hundred dollars ($500.00)

On page 3, line 25, by inserting, after the sentence ending with the word "act", the following:

Such reports shall be available for public inspection at the office of the county commission during regular business hours.

On page 3, line 38, by inserting, after the sentence ending with the word "association", the following:

All officers and directors of any such association or corporation must have been a resident of Alabama for at least ten years next preceding the date of the license issued, and must not have been convicted of a felony.

On page 5, line 28, by inserting, after the sentence ending with the word "year", and inserting in lieu thereof the following:

No race or racing shall be permitted on Sunday.

On page 6, line 10, by inserting, after the word "time", the following:

, not to exceed twelve years,

On page 9, line 19, by striking out the word "other".

On page 10, line 32, by striking out the words and figures "(10) cents" and inserting in lieu thereof the following:

ten (10) percent of admission charge

On page 10, line 34, by striking out the words "once each quarter (3 months)" and inserting in lieu thereof the following:

on or before the 10th calendar day of each month.

On page 11, lines 5 through 11, by striking out Section 14 entirely and inserting in lieu thereof the following:

Section 14. If any free passes or complimentary cards shall be issued to guests by any licensee, such licensee shall nevertheless be responsible for payment of admission tax upon such complimentary admission card or passes as though they had been sold at regular admission price. However, nothing herein contained shall be construed to prohibit the issuance of tax free passes to officials and actual employees of the licensee, or the persons actually engaged in working at such track, including persons actually employed and accredited by the press or the news services; provided, that the issuance of all such tax free passes shall be governed by the regulations and orders of the Commission and a list of all such officers, employees and news service representatives shall be filed with the Commission.

Mr. Bailey offered a substitute motion that the Senate non-concur in the House amendment to the Bill, S. B. 536.

On motion of Mr. Weeks, the motion to non-concur was laid on the table.

Yeas 3; Nays 2.

Yeas: Messrs. Martin, Teague, Weeks. —3

Nays: Messrs.: Bailey, Higginbotham. —2

The question then recurred on the motion of Mr. Weeks, that the Senate concur in the house amendment to the Bill, S. B. 536, and said motion was lost.

Yeas 2; Nays 3.

Yeas: Messrs.: Martin, Weeks. —2

Nays: Messrs.: Bailey, Harrison, Higginbotham. —3

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill:

H. 52. To bring the laws of Alabama in conformity with P.L. 93-641 and Federal regulations by amending Section 22-21-260 relating to definitions, Section 22-21-265 relating to certificate of need required for new institutional health services, Section 22-21-274 relating to the review procedures, and Section 22-21-275 relating to application review for certificates of need. To repeal Section 22-21-262 which exempts certain acquisitions from certificate of need and Section 22-21-273 relating to the Health Facilities Review Council.

said Conference Committee Report being in words and figures as follows:

REPORT OF CONFERENCE COMMITTEE
HOUSE BILL 52

We, the Committee of Conferees appointed to reconcile the difference between the two Houses concerning House Bill 52 have met, considered the matter, and agreed to the following report:

We recommend that the Senate recede from the McDonald amendment to the bill, and that the House concur in the Holmes amendment to the bill.

LEIGH PEGUES,

W. F. COSBY, JR.,

WALLACE SHOEMAKER,
Conferees on the part of the House.

DEWEY WHITE, JR.

MAC PARSONS,

G. J. HIGGINBOTHAM,
Conferees on the part of the Senate.

And said bill as thus amended by the Report of the Committee on Conference was again read and passed.

And said bill, together with the Report of the Committee on Conference is herewith returned to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE AND CONFERENCE MESSAGE

On motion of Mr. White, the Senate concurred in and adopted the Report of the Committee on Conference appointed to reconcile the disagreement of

the two Houses on the Senate amendment to the Bill, H. B. 52, the title of which and said Conference Report are set out in the foregoing Message from the House.

Yeas 18; Nays 0.

Yeas:

Messrs.:	Clemon	Hall	Martin	
Bailey	deGraffenried	Holmes	Parsons	
Barron	Denton	Keener	St. John	
Britnell	Goodwin	Lemaster	White	
Callahan	Gulledge	Little		—18

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate.

S. 114. To provide for appointment and designation of supernumerary sheriffs of the several counties within this state; to prescribe qualifications for the participants in such commission as supernumerary sheriff; to prescribe regulations and procedures for participation in such commission as supernumerary sheriff and to repeal conflicting statutes.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Goodwin, the Senate non-concurred in the following House amendment to the Bill, S. B. 114, the title of which is set out in the foregoing Message from the House, to-wit:

HOUSE AMENDMENT TO S. B. 114

Amend S. B. 114 on page 1, line 34 by striking twelve (12), and substituting in lieu thereof sixteen (16)

and requested a Committee on Conference.

Yeas 18; Nays 0.

Yeas:

Messrs.:	Denton	Kirkland	St. John	
Barron	Goodwin	Little	Smith	
Britnell	Hall	Martin	Teague	
Callahan	Higginbotham	Mitchem	White	
deGraffenried	Keener	Parsons		—18

Nays: —0

And the President and Presiding Officer of the Senate appointed as Committee on part of the Senate Messrs. Goodwin, McDonald, and Callahan.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Carothers:

H. J. R. 295. CREATING THE JOINT INTERIM COMMITTEE TO STUDY THE EFFECTS OF RADIATION AND OTHER AREAS OF NUCLEAR ENERGY ACTIVITIES ON THE STATE OF ALABAMA

WHEREAS, much has been discussed regarding radioactive materials and other matters that pertain to the Nuclear Energy Field in the State of Alabama; and

WHEREAS, the House Committee on Health, through its subcommittee on nuclear energy, has gone into this matter in depth but not in detail; and

WHEREAS, there is a need in the State of Alabama for this matter to be studied with attention focused on the results affecting the people regarding fall-out and other matters incidental to radiation; and

WHEREAS, Congress has recently authorized such a Committee by the General Accounting Office; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a Joint Committee from both houses of the Legislature to study the effects of nuclear energy, radioactive substance and other matters pertaining to nuclear energy in the State of Alabama.

BE IT FURTHER RESOLVED, That said Joint Committee is to be composed of nine (9) members composed of the Chairman of the House Health Committee and Chairman of the Senate Health Committee and four (4) members of the House Health Committee appointed by the Chairman and three (3) members from the Senate Health Committee to be appointed by the Chairman of the Health Committee in the Senate. This Committee shall meet within ten (10) days after final adjournment of the 1979 Regular Session of the Legislature for the purpose of organization. The responsibilities of the members should be discussed and determined at the organizational session. The Committee shall make its final report to the Legislature no later than the fifth legislative day of the 1980 Regular Session at which time the Committee shall be terminated.

The Clerk of the House and the Secretary of the Senate are directed to furnish secretarial help for the Committee and the Committee shall receive its regular mileage and per diem. There is appropriated from the funds appropriated for the use of the Legislature the amount of seven thousand dollars ($7,000.00) for the expense of this Committee.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. White, the Rules were suspended and the Resolution, H. J. R. 295, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate.

S. 585. Relating to Elmore County; to alter, re-arrange and extend the boundary lines and corporate limits of the City of Millbrook in Elmore County, Alabama and to set the limits of the police jurisdiction.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Harrison, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 585, the title of which is set out in the foregoing Message from the House, to-wit:

HOUSE AMENDMENT TO S. B. 585

Amend Senate Bill 585 Section 2 on page 4 by striking the language after the period on line 28 and by striking lines 29 through 34 in their entirety and inserting in lieu thereof the following:

Each voter shall vote on voting machines prepared by the Probate Judge and providing a "yes" or "no" choice to the above question. The City of Millbrook shall pay all costs and expenses incident to the election, and shall enter into an agreement with the County Commission to prepare a poll list of voters in said area affected, and said poll list shall be published in "The Community Press", not less than 20 days prior to the election, and posted as otherwise provided by law.

The Probate Judge shall determine how many voting machines shall be necessary, and shall select poll officials from among the qualified voters of the affected area. The Probate Judge shall select no more than two poll watchers per machine, one from those nominated by the proponents of the issue and one by the opponents of the issue. Said poll watchers shall be governed in their actions by existing state law.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Keener	Proctor	
Bailey	Figures	Little	Smith	
Barron	Glass	Martin	teague	
Britnell	Goodwin	Miller	Vacca	
Callahan	Gulledge	Parsons	Weeks	
Clemon	Harrison	Pearson	White	
Cook	Holmes			—25

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Buskey (with notice and proof):

H. 951. Relating to any city having a population of not less than 175,000 nor more than 299,999 according to the 1970 federal decennial census or any subsequent federal decennial census; providing that if the current government of said city should become inoperative as to the form of government or as to the method of electing certain officials thereof, that a public referendum shall be held to select a new form of government and the method of the election of the officials thereof; to provide further that in the event that this Act becomes effective, the people of any such city shall choose in a referendum election between a Commission-District form of government as provided for in this Act; and a Mayor-Council form of government as provided for in this Act; to define and provide for the legal status, form of government, method of electing certain officials thereof, and the powers of any such city under whichever form of government shall be chosen by the people of such city if the conditions necessary for the implementation of this Act should become operative. Further, to provide that if the people of any such city should select as the governing body a District-Commission form of government that the form of government for such city shall be known as the District-Commission form of municipal government; to define and provide the legal status, form of government and powers of any such city under the District-Commission form of government; to provide as the governing body of any such city a city commission; to provide for a city commission of three members; their election and terms of office; to provide the functions, duties, powers and authority of the city commission; to provide for the election, appointment or designation of officers, officials and employees of such city and for their qualifications, duties, functions, powers and authority; to provide for the control of the finances of such city; to provide for an annual budget, its preparation, submission, and adoption, and the effect thereof; to create and define the powers, functions, duties and authority of the department of finance and the director of the department of finance; to regulate purchases and contracts of such city; to provide for the requirements and procedures for initially establishing and reapportioning the commission districts; to provide for terms and effects of succession in government of any such city adopting the District-Commission form of government; to make various other provisions for any such city adopting the District-Commission form of government and the government thereof; and to provide for the means of abandoning the District-Commission form of government and the adoption by any such city of other forms of municipal government in lieu thereof. Further, to provide that if the people of any such city should select as the governing body a Mayor-Council form of government that the form of government for such city shall be known as the Mayor-Council form of municipal government; such government consisting of a mayor elected by all qualified voters of the city and nine council members each elected solely by the qualified voters of the single-member district in which he or she resides; providing the qualifications for and the method of electing and terms of the mayor and council members; defining the legal status of the mayor-council government; establishing the organization of the mayor-council government and the powers and duties of the mayor and council; establishing and defining the powers and duties of a city clerk, a chief administrative assistant to the mayor, an executive secretary and a director of finance; establishing rules and procedures for the enactment of ordinances, the preparation and approval of city budgets, and the conduct of the city's business; establishing and defining the responsibilities of various executive departments and divisions of the city; providing rights, obligations and procedures for succession in government during the

transition to the mayor-council form of government; making various other general provisions, including the requirements and procedures for initially establishing and reapportioning the council districts; and to provide for the means of abandoning the mayor-council form of government and the adoption by any such city of other forms of municipal government in lieu thereof.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 951, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Gilmer (with notice and proof):

H. 1029. Relating to Lamar County; giving the county governing body certain powers in regard to maintaining and constructing roads and rights-of-way leading to churches, schools, cemeteries and private dwellings.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1029, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Gilmer (with notice and proof):

H. 1030. To provide further for the salaries and expense allowances of the several members of the Lamar County Commission.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1030, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Ray:

H. 891. To amend Section 12-16-100, Code of Alabama 1975, which provides for the empaneling of juries in criminal cases, so as to change the present jury strike system to a one strike system.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 951, 1029, and 1030. To the Committee on Local Legislation No. 1.

H. B. 891. To the Committee on Judiciary.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 35. Relating to Madison County; providing that the county commission may provide additional compensation for poll officials in an amount up to $10 per day from the county general fund.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Owens:

H. 57. To amend Section 1 of Act No. 600, H. 1134 of the 1977 Regular Session (Acts 1977, Vol. II, p. 805), which act provides a pay increase for any law enforcement officer who has full peace officer authority, so as to extend eligibility to Security and Safety Officers of the Mental Health Department.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 57. To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Waggoner and Gafford (with notice and proof):

H. 838. To provide a supplemental salary for the circuit clerk and the elected deputy circuit clerk who serves the Bessemer cut-off of the tenth Judicial Circuit of Jefferson County.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 838, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 838. To the Committee on Local Legislation No. 2.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Letson (with notice and proof):

H. 1059. Relating to Lawrence County; to provide for the election of the chairman of the county commission; to provide for the election of a temporary acting chairman; to provide that the probate judge shall cease to serve as ex officio chairman of the county commission; and to provide for the compensation of the chairman.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1059, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Letson (with notice and proof):

H. 1060. Relating to Lawrence County; providing for the construction, maintenance and repair of public roads, highways, bridges and ferries under the county unit system; authorizing and requiring the county governing body to employ and regulate the compensation of a county engineer; providing for the manner of selecting said engineer; prescribing his qualifications; and requiring bond; defining his authority, powers and duties and those of the county governing body in relation to the roads, bridges and ferries of Lawrence County; and to prohibit the performance of certain work on private property and provide penalties for violations.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1060, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Letson (with notice and proof):

H. 1061. Relating to Lawrence County; to further provide for the expense allowance and compensation of the members of the county commission.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1061, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Daniels (with notice and proof):

H. 1062. Relating to Geneva County; to give the county commission certain powers and authority in regard to constructing and maintaining roads and driveways leading to schools, churches, church owned cemeteries, and private dwellings.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1062, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Gilmer (with notice and proof):

H. 1065. Relating to Fayette County; to provide additional clerical help for the Probate Judge, Tax Assessor and Tax Collector and to provide said act shall take retroactive effect.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1065, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Clark and Manley (with notice and proof):

H. 1067. To provide for an additional clerk hire allowance for the office of judge of probate of Greene County.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1067, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Clark and Manley (with notice and proof):

H. 1068. To create an Industrial Development Authority for Greene County for the purpose of promoting industry and trade and the development of said county; to provide for the organization, powers, functions, duties and personnel of such Authority and to provide for the payment of the expenses of such Authority.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1068, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Buskey (with notice and proof):

H. 1054. Relating to Mobile County; to amend section 2 of Act No. 653, H. 589, approved October 2, 1975 (Acts 1975, p. 1410), pertaining to voter registration and reidentification in certain counties classified on a population basis, so as to change certain procedures for such registration and reidentification.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1054, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Parker (with notice and proof):

H. 1055. To provide that the City of Prichard shall be divided into five districts by the Probate Judge of Mobile County, and he shall certify the boundaries of the same to the Prichard City Council; that the members of the Prichard Council shall be elected by districts with one member being elected by each district and each council member shall be a resident of the district from which he is elected; that this Act shall be effective for the municipal election in 1980 and thereafter; and to provide for redistricting after each future federal census.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1055, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Smith (J) (with notice and proof):

H. 906. Relating to Madison County; to provide the procedure for filling vacancies in any judgeship of any circuit or district court in the county.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 906, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Smith (J) (with notice and proof):

H. 907. To provide one investigator for the District Attorney of the Twenty-third Judicial Circuit and to prescribe compensation and provide authority and power; to provide investigative equipment.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 907, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Johnson (R. G.), Moore and Shoemaker (with notice and proof):

H. 1063. Relating to Talladega County; to promote temperance by regulating the sale of alcoholic beverages; to authorize the Alabama alcoholic beverage control board to permit the handling and sale of table wine, containing not more than 14% alcohol by volume, by its licensees; to define terms, including wine, table wine, fortified wine or vinous liquor, manufacturer,

wine wholesaler and wine retailer; to provide for the licensing of wine manufacturers, wine wholesalers and wine retailers by the Alabama alcoholic beverage control board; to impose state filing fees thereon and to levy state license fees on wine wholesalers and retailers; to authorize the levy of county and municipal license fees thereon; to impose an exclusive tax on or measured by the sale of table wine in Talladega County and to provide for the collection, administration and distribution thereof; to prescribe violations and offenses, and to provide for the imposition of fines and the suspension or revocation of licenses.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1063, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Smith (J) (with notice and proof):

H. 1066. Relating to Madison County, authorizing the Madison County Commission to levy and impose by ordinance, for one (1) year, a privilege or license tax upon the sale of spiritous or vinous liquors in Madison County, providing for the collection, distribution and disposition of the proceeds of said tax; prescribing penalties for violations of the Act; and repealing conflicting laws.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1066, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 1059, 1060, 1061, 1062, 1065, 1067, 1068, 1054, 1055, 906, 907, 1063, and 1066. To the Committee on Local Legislation No. 1.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Waggoner (with notice and proof):

H. 974. To levy a license tax in all counties in this State of 600,000 population or more according to the last or any succeeding federal census, on persons engaged in selling alcoholic, spirituous, vinous, or fermented liquor at retail and to fix the rate or amount of such tax in the following amounts: Whiskey, gin, brandy, rum, vodka, cocktails, and all other alcoholic beverages except malt beverages, wines and other fermented beverages, sold, distributed, delivered, stored, or taken out of storage within the county, on

each bottle or container of two (2) ounces or less, ten (10) cents; on each bottle or container of more than two (2) ounces and not more than one-half pint, twenty-five (25) cents; on each bottle or container of more than one-half pint and not more than one pint one dollar ($1.00); on each bottle or container of more than one pint and not more than one-fifth of a gallon one dollar and sixty cents ($1.60); on each bottle or container of more than one-fifth of a gallon and not more than one quart, two dollars ($2.00); on each bottle or container of more than one quart, two dollars ($2.00) plus ten (10) cents for each one and six-tenths (1-6/10) ounces or fractional part thereof in excess of one quart. Wines and other fermented beverages sold, distributed, delivered, stored, or taken out of storage within the county, on each bottle or container, twenty-five (25) cents; to provide that if the governing body of any such county finds and declares by resolution that the discontinuance of the State prohibition against licensees' selling, or keeping for sale, liquor or wine except in the original unbroken package is imminent, then such governing body shall be authorized to levy a license tax, in the amount below prescribed, on each person selling, distributing, delivering, storing, or withdrawing from storage, at retail within the county the beverages hereinabove described in this title; to provide that the amount of such license tax said governing body shall be authorized to levy, as aforesaid, shall be fixed in the ordinance or resolution levying such license tax, which amount shall not be less than 3% or more than 6% of the gross receipts realized by such person from the distribution, delivery, sale, storage or withdrawal from storage in the county of whiskey, gin, brandy, rum, vodka, cocktails and all other alcoholic beverages except malt beverages sold, distributed, stored, or taken out of storage within the county; to provide that the last mentioned license tax shall be called 'the gross receipts tax'; to provide that upon and after the date whereon the gross receipts tax becomes effective the license tax first hereinabove mentioned shall no longer be in effect, subject, however, to the proviso that no person shall be relieved of his obligation to pay any license tax first above mentioned due by such person for, or on account of, transactions occurring when the license tax first above mentioned was in effect; to provide for the payment of either of the two license taxes above mentioned, which is in effect and for the making and maintaining of records and reports with respect thereto; to provide for the collection and distribution of either of the above mentioned license taxes which is in effect and for the enforcement of the provisions of this act; to provide that the Board of Revenue, County Commission or like governing body of any such county shall have the authority to adopt ordinances, rules and regulations pertaining to the collection of either of the above mentioned license taxes or pertaining to the making of reports and maintaining of records with respect thereto; to provide that such ordinances, rules and regulations shall have the force and effect of law; to provide that either of the above mentioned taxes shall constitute a debt to such county which may be collected by civil suit in addition to all other methods provided by law; to provide that either of the above mentioned license taxes, together with interest and penalties with respect thereto, shall constitute a lien upon the property of any person from whom the tax is due; to require any person engaged in selling alcoholic, spirituous, vinous, or fermented liquor to obtain a permit to sell such beverages from the Judge of Probate, License Commissioner, Director of County Department of Revenue, or other public officer performing like duties in such counties; to require any such person to make a deposit of cash or marketable securities or to file a bond in an approximate sum of two times the estimated average monthly tax; to provide that the revenue derived from either of the above mentioned license taxes, less the cost of collection, shall be paid into an Indigent Care Fund, and to provide the purpose or purposes for which either

of the above mentioned taxes may be expended; to repeal any act now in effect in counties subject to this act which levies a license tax on the sale of alcoholic, spirituous, vinous, or fermented liquors, and specifically to repeal Act No. 559 of the 1959 Regular Session of the Legislature of Alabama, approved November 15, 1959; to provide for appeals from any tax assessment made under this act; to provide that all taxes due and the remedies and penalties under said statutes repealed shall continue in effect as to any taxes accrued under said repealed statutes; to provide and fix penalties for the violation of any of the provisions of said act; and to otherwise provide for the administration of said act and for the effective date thereof;" to amend the body of said Act No. 388 of the Regular Session of the Legislature of Alabama of 1965 so as to provide that on the contingency above specified in the title of said Act No. 388 as said title will be amended by this amendatory act, the governing body of any such county may levy the gross receipts tax described in the title of said Act No. 388 amended as aforesaid; and to otherwise amend the body of said Act No. 388 of the Regular Session of the Legislature of 1965 so that said Act No. 388, as amended by this amendatory act, will contain the provisions which the title of said Act No. 388, amended as aforesaid indicates said Act No. 388 will contain when amended.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 974, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 974. To the Committee on Local Legislation No. 2.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Owens:

H. 568. To establish a permanent program authorizing public subsidies which will make it possible for children in special circumstances to be adopted.

Also:

By Rep. Cates:

H. 797. To amend Section 4045 of Act No. 770, H. 10, Regular Session 1978 (Acts of Alabama 1978, p. 1110), to change the crimes of Illegal Possession of and Fraudulent use of a credit card or debit card from Class A misdemeanors to Class C felonies.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 568. To the Committee on Finance and Taxation.

H. B. 797. To the Committee on Judiciary.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Lewis and Howard:

H. 561. To make unlawful the obtaining or attempting to obtain public housing accommodations by means of false statement or other fraudulent scheme or device; to define "Public Housing"; to require notice of the act on applications for public housing accommodations; and to prescribe punishment for violation.

Also:

By Rep. Hall:

H. 926. Authorizing the county commission, or like governing body, of any county to borrow the necessary funds to operate the said county in the event the tax collector is unable to collect taxes; providing when such loans may be made, for the issuance of certificates covering such loans and for the pledge of uncollected taxes to pay such loans; prescribing the maximum interest rates applicable to such loans and the dates on which such loans would be payable; limiting the use of the proceeds of such loans; providing for the registration, payment, cancellation and exemption from taxation of such certificates; requiring each such county to comply with the debt limitation of Amendment 342 to the Constitution of 1901, as amended; and repealing conflicting laws.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 561 and 926. To the Committee on Governmental Affairs.

UNFINISHED BUSINESS

BILLS ON THIRD READING RESUMED

The Senate proceeded the consideration of the Unfinished Business for today, the first item of which was the Bill:

S. 596. To provide further appropriations totaling $12 million to the Medicaid Program for the current fiscal year of 1978-79, said fiscal year ending on September 30, 1979.

as amended, which said amendment is set out in the Journal of the Senate for the Twenty-Seventh Legislative Day.

And said Bill, S. B. 596, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 27; Nays 2.

Yeas :

Messrs.:	deGraffenried	Higginbotham	Mitchem
Bailey	Denton	Holmes	Parsons
Barron	Figures	Keener	Pearson
Britnell	Glass	Kirkland	Proctor
Callahan	Gulledge	Little	St. John
Clemon	Hall	Martin	Smith
Cook	Harrison	Miller	Teague

—27

Nays: Messrs.: Weeks, White. —2

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 32. To amend Act No. 408 of the Regular Session, 1977 to further prescribe, authorize and regulate investments of life, disability and burial insurance companies by authorizing investment in certain type of mortgage loan up to one hundred percent of value under certain conditions.

Also:

S. 100. To amend Section 27-15-28 and Section 27-36-7, Code of Alabama,1 975, as amended, which relate to the standard nonforfeiture law and the standard valuation law of life insurance and annuity contracts, so as to increase the statutory interest assumptions for new life insurance and annuity business; to redefine the commissioners reserve valuation method for annuities; to modify the commissioners reserve valuation method and deficiency reserve requirements for those life insurance policies which now require deficiency reserves; to revise the permissible age setback for females in the standard nonforfeiture and valuation laws for life insurance from three years to six years; to revise the standard valuation law to increase the statutory interest rate for group annuities purchased prior to the 1972 NAIC Amendments to the standard valuation law; and to adopt a new standard nonforfeiture law for individual deferred annuities.

Also:

S. 136. To authorize designated agents to issue temporary license tags and temporary registration certificates for motor vehicles to be permanently licensed outside the state of Alabama; to authorize manufacturers and dealers of mobile homes, trailer coaches, travel trailers or house trailers to issue temporary license tags and registration certificates for such vehicles which are to be licensed outside Alabama; to authorize probate judges or other county officials authorized and required by law to issue motor vehicle license tags to issue temporary license tags and temporary registration certificates when a permanent license tag cannot be immediately issued or when other

good cause exists; to provide for the period of validity of such temporary license tags and registration certificates; to provide for the fees to be collected, records to be maintained, and forms to be utilized in connection with issuance of temporary license tags and registration certificates; to empower the department of revenue with the authority to adopt rules and regulations, prescribe forms and otherwise implement the provisions of the Act; and to impose criminal penalties for violation of the provisions of the Act.

Also:

S. 402. To amend Section 17-4-25 of the Code of Alabama 1975 relating to the clerical assistants and help for the judge of probate for the preparation of the list of qualified electors which the judge of probate is required to furnish the election inspectors.

JOHN W. PEMBERTON,
Clerk.

UNFINISHED BUSINESS
BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the second item of Unfinished Business for today, which was the Bill:

S. 151. Relating to the regulation of the practice of podiatry in Alabama; further amending certain definitions and adding another definition; amending the make up of the State Board of Podiatry; amending the requirements for the renewal of licenses; amending Sections 1, 3, and 15 of Act. No. 741, S. 388, Regular Session of 1967 (Acts 1967, p. 1586).

and pending substitute (which said substitute is set out in the Journal of the Senate for the Twenty-Seventh Legislative Day).

On motion of Mr. White, consideration of the Bill, S. B. 151, and pending substitute, was postponed until the next Legislative Day as Unfinished Business.

MESSAGE FROM THE HOUSE

Mr. President:

The House has acceded to the request of the Senate for a Committee on Conference on the disagreement of the two Houses on the House amendment to the Senate Bill:

S. 114. To provide for appointment and designation of supernumerary sheriffs of the several counties within this state; to prescribe qualifications for the participants in such commission as supernumerary sheriff; to prescribe regulations and procedures for participation in such commission as supernumerary sheriff and to repeal conflicting statutes.

And the Speaker of the House has appointed as Committee on part of the House: Gafford, Biddle and Shoemaker.

JOHN W. PEMBERTON,
Clerk.

SPECIAL ORDER

BILLS ON THIRD READING RESUMED

The Senate proceeded to the consideration of the special, paramount, and continuing order of business for today, the first item of which was the Bill:

S. 352. To further amend Section 40-9-21 of the Code of Alabama 1975, as last amended, which section relates to ad valorem tax exemptions for certain totally disabled persons or certain persons 65 years or older who furnish proof their gross income for the preceding year was $7,500 or less.

And said Bill, S. B. 352, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Goodwin	Holmes	Mitchem
Barron	Gulledge	Keener	St. John
Britnell	Hall	Lemaster	Smith
Cook	Harrison	Little	Teague
deGraffenried	Higginbotham	Miller	Vacca

—19

Nays: —0

The Bill:

S. 581. To amend Section 41-4-50 of the Code of Alabama 1975, relating to the division of control and accounts of the department of finance so as to authorize any state employee or retired person or beneficiary under any retirement system administered by the state to elect to have funds for his salary or retirement allowance electronically transferred for deposit in the bank of his choice.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 17; Nays 1.

Yeas:

Messrs.:	Gulledge	Keener	Mitchem
Barron	Hall	Lemaster	Parsons
Britnell	Harrison	Martin	Smith
Cook	Higginbotham	Miller	Vacca
Figures	Holmes		

—17

Nay: Mr. Little. —1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Starkey and Greer:

H. 937. Relative to Class 4 and 5, and 7 and 8 municipalities in this state having a population of not less than 25,000 and not more than 99,999 inhabitants or a population of 11,999 or less inhabitants according to the last or any subsequent Federal decennial census; authorizing each such municipality to acquire properties suitable for use by any commercial enterprise in

furnishing hotel services, including food or lodging or both, and the rental of ground floor space or other accommodations to others engaged in any business, trade, profession, occupation or activity; authorizing such municipalities to lease such properties subject to certain specified requirements; authorizing such municipalities to finance the acquisition of such properties by the issuance of revenue bonds payable solely out of the revenues from the leasing of such properties and to secure such bonds by pledges of such revenues and leases and by mortgages on such properties; providing that all such bonds shall be negotiable instruments; authorizing the refunding of any such bonds; providing for remedies in the event of default respecting any bonds issued under the act; exempting from taxation such properties and the revenue from the lease thereof, such bonds and the income therefrom, all mortgages executed as security therefor and all lease agreements made hereunder; prohibiting any such municipality from making contributions to the cost of any such properties and from furnishing land therefor; providing that such bonds and any agreements made in connection therewith shall not constitute an indebtedness of a municipality or a pecuniary liability of any kind; providing that such bonds shall be legal investments for savings banks and insurance companies organized under the laws of this state; providing the purposes for which the proceeds from the sale of such bonds may be used; providing that no notice to or consent or approval by any governmental body or public officer shall be a prerequisite to the issuance of such bonds or the securing thereof.

Also:

By Rep. Adams (C):

H. 975. To provide that county commissions may meet on the same day of the following week if the regular meeting day falls on a legal public holiday.

Also:

By Reps. Sasser, Owens, Adams (C), Minus, Johnson (R. G.), Holley, Williams, Grimsley, Laird and Carothers:

H. 570. To amend Section 12-16-100 of the Code of Alabama 1975 so as to change the present jury strike system to a one strike system.

Also:

By Reps. Zoghby, Sandusky, Parker, Kennedy (C), Harper (T), Bedsole and McMillan:

H. 806. To make a conditional appropriation of state funds to the Alabama Department of Forensic Sciences for the purpose of constructing and developing a facility to house the offices, laboratories and morgue of the Southwest Regional Division.

Also:

By Reps. Bennett, Amari, Johnson (Roy), Waggoner, Harper (T), Dixon, Coburn and Lewis:

H. 652. To amend Section 16-13-51, Code of Alabama, 1975, relating to the Minimum Program Fund and requirements for participation therein.

Also:

By Reps. Bennett, Amari, Johnson (Roy), Waggoner, Harper (T), Dixon, Lewis and Coburn:

H. 653. Proposing an amendment to the Constitution of Alabama relative to the levy of an additional three-mill district school tax above and beyond those taxes now in existence.

Also:

By Rep. Waggoner:

H. 556. To amend Title 11, Section 11-58-1, Code of Alabama 1975.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 937. To the Committee on Local Legislation No. 1.

H. B. 975. To the Committee on Governmental Affairs.

H. B. 570. To the Committee on Judiciary.

H. B.'s 806, 652, and 653. To the Committee on Finance and Taxation.

H. B. 556. To the Committee on Health and Welfare.

(The above numbered Bill, H. B. 653, was read a first time at length as required by the Constitution.)

REPORT OF CONFERENCE COMMITTEE
SENATE BILL 114

We, the Committee of Conferees appointed to reconcile the difference between the two Houses concerning Senate Bill 114 have met, considered the matter, and agreed to the following report:

We recommend that the House Amendment by Dial be deleted.

ROBERT C. GAFFORD,
JACK BIDDLE, III,
WALLACE SHOEMAKER,
House Conferees.

EARL GOODWIN,
ALBERT McDONALD,
SONNY CALLAHAN,
Senate Conferees.

CONFERENCE REPORT

On motion of Mr. Goodwin, the Senate concurred in and adopted the foregoing Report of the Committee on Conference appointed to reconcile the differences of the two Houses on the House amendment to the Bill:

S. 114. To provide for appointment and designation of supernumerary sheriffs of the several counties within this state; to prescribe qualifications for the participants in such commission as supernumerary sheriff; to prescribe regulations and procedures for participation in such commission as supernumerary sheriff and to repeal conflicting statutes.

Yeas 18; Nays 0.

Yeas:

Messrs.:	Goodwin	Lemaster	Parsons	
Britnell	Hall	Little	Proctor	
Callahan	Higginbotham	Martin	St. John	
deGraffenried	Keener	Miller	Teague	
Denton	Kirkland	Mitchem		—18

Nays: —0

BILLS ON THIRD READING RESUMED

The Senate then proceeded to consideration of the third item of Unfinished Business for today, which was the Bill:

S. 69. Creating the Alabama Aviation Hall of Fame Board; providing the method of selection of its members; prescribing its powers and duties; providing that no person may derive income or profit from the funds or property of the board; and providing that gifts to and property, funds and activities of the board shall be exempt from taxation.

Mr. Cook was granted unanimous consent to take up the Bill:

H. 152. Creating the Alabama Aviation Hall of Fame Board; providing the method of selection of its members; prescribing its powers and duties; providing that no person may derive income or profit from the funds or property of the board; and providing that gifts to and property, funds and activities of the board shall be exempt from taxation.

in place of the Bill, S. B. 69.

And said Bill, H. B. 152, was read a third time at length and passed.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Denton	Holmes	St. John	
Bailey	Goodwin	Little	Smith	
Barron	Gulledge	Miller	Teague	
Britnell	Hall	Mitchem	Vacca	
Cook	Harrison	Proctor	White	
deGraffenried	Higginbotham			—21

Nays: —0

CALENDAR BILL INDEFINITELY POSTPONED

On motion of Mr. Cook, consideration of the Bill, S. B. 69, was indefinitely postponed by the Senate.

BILLS ON THIRD READING RESUMED

The Bill:

H. 715. To amend Sections 501, 645, 650, 1235, 2015, 3225, 3230, 3240, 4045, 4140, 4145, 4150, 4510, and 4535 of Act No. 607, S. 33, Regular Session 1977 (Acts of Alabama 1977, p. 812), as amended, entitled, "An Act To provide an entirely new criminal code for the State of Alabama; defining offenses, fixing punishment; repealing numerous specific code sections and statutes that conflict herewith as well as all other laws that conflict with this Act," and to repeal Section 640 of said Act No. 607.

was taken up.

The Standing Committee on Judiciary reported the following amendment to the Bill, H. B. 715, to-wit:

COMMITTEE AMENDMENT TO H. B. 715

Amend House Bill 715 as follows:

In the title on page 1, line 36, delete the number "501".

In Section 1, on page 2, line 12, delete the number "501".

In Section 1, on page 2, lines 17-29, delete all of Section 501.

Which was adopted.

Yeas 20; Nays 0.

Yeas:

Messrs.:	Goodwin	Holmes	Mitchem	
Barron	Gulledge	Keener	St. John	
Britnell	Hall	Little	Teague	
Clemon	Harrison	Martin	Vacca	
deGraffenried	Higginbotham	Miller	White	
Denton				—20

Nays: —0

And said Bill, H. B. 715, as thus amended, was read a third time at length and passed.

Yeas 20; Nays 0.

Yeas:

Messrs.:	Goodwin	Holmes	Mitchem	
Barron	Gulledge	Keener	St. John	
Britnell	Hall	Little	Teague	
Clemon	Harrison	Martin	Vacca	
deGraffenried	Higginbotham	Miller	White	
Denton				—20

Nays: —0

The Bill:

S. 156. To amend Section 12-17-140, Code of Alabama 1975, so as to provide that any clerk or register of the circuit court who has met the requirements of sub-paragraph (1) of said Section 12-17-140, may become a

supernumerary clerk or register regardless of the age of such clerk or register at the time of becoming permanently unable to carry out the duties of the office on a full-time basis.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 16; Nays 2.

Yeas:

Messrs.:	deGraffenried	Lemaster	St. John
Bailey	Denton	Martin	Smith
Barron	Harrison	Mitchem	Teague
Callahan	Keener	Proctor	Vacca
Clemon			

—16

Nays: Messrs.: Hall, Little. —2

The Bill:

H. 275. To raise revenue by levying a privilege or excise tax on every person licensed under the provisions of Title 28, Article 4, Code of Alabama 1975, who sells, stores, or receives for the purpose of distribution, malt or brewed beverages; to provide for the collection and distribution of the proceeds of said tax; to prescribe penalties for failure to collect or pay the tax or for possession of unidentified malt or brewed beverages; to provide for identification of such beverages; and to supersede and repeal Title 28, Article 5, Chapter 3, Code of Alabama 1975, and repeals other conflicting laws.

was read a third time at length and passed.

Yeas 19; Nays 1.

Yeas:

Messrs.:	deGraffenried	Martin	Smith
Bailey	Denton	MKILLER	Teague
Callahan	Goodwin	Mitchem	Vacca
Clemon	Kirkland	Pearson	Weeks
Cook	Little	St. John	White

—19

Nay: Mr. Barron. —1

RECESS

At 7 o'clock P.M., on motion of Mr. St. John, the Senate took a recess until 8 o'clock P.M.

The recess period having expired, the Senate was called to order by Lieutenant Governor McMillan. A quorum of the Senate was present.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Roberts, Whatley, Carter and Patton:

H. 130. To provide distinctive auto tags for members of volunteer fire departments for use on their private autos.

Also:

By Reps. Riddick, Greer, Goodwin, Gregg, Carter, Roberts, Kelley, Albright, Hall, Coburn and Smith (M):

H. 1045. To amend Sections 40-28-1 through 40-28-3, Code of Alabama 1975, which provide for the distribution of in-lieu-of-taxes payments by the Tennessee Valley Authority to counties served by the Tennessee Valley Authority and to dry counties not served by the Tennessee Valley Authority, so as to provide further for said distribution.

Also:

By Rep. Kelley:

H. 628. To require that group, individual, or blanket hospital or medical expense insurance policies or hospital or medical service contracts issued for delivery in this State which include mental health services in the terms of the policies or contracts shall include reimbursement for services rendered by a duly qualified certified social worker of this State notwithstanding any provisions of the policies or contracts to the contrary.

Also:

By Reps. Patton, Roberts, Letson and Harvey:

H. 290. To repeal Section 11-51-99, Code of Alabama, 1975, which limits the amount of license a municipality may levy on vending and weighing machines.

Also:

By Rep. Carter:

H. 507. To make a supplemental appropriation to the state board of social work examiners from the state board of social work examiners' fund which is on deposit in the state treasury.

Also:

By Rep. Sandusky:

H. 823. This bill creates the Alabama Health Care Responsibility Act; providing legislative intent, providing definitions; providing that ultimate financial responsibility for the cost of treatment of a patient certified to be indigent, who is a resident of one county but receives services from a hospital in another county, shall be placed with the county of which the patient is a resident; providing limitations on such responsibility; providing that the Department of Pensions and Security shall adopt rules for certifying patients as indigent; requiring hospitals to admit certified indigents under certain conditions; providing that disputes between hospitals and counties shall be resolved by action in the circuit court of the county in which the regional referral hospital is located and providing an effective date.

Also:

By Rep. Carothers:

H. 138. To amend Section 22-21-20, Code of Alabama, 1975, which relates to the Licensing of Hospitals, Nursing Homes and other Health Care Institutions so as to include other types of services that are now being provided the citizens. This amendment will expand the definitions to include new institutional care and services.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 130, 1045, and 290. To the Committee on Governmental Affairs.

H. B. 628. To the Committee on Banking and Insurance.

H. B. 507. To the Committee on Finance and Taxation.

H. B.'s 823 and 138. To the Committee on Health and Welfare.

BILLS ON THIRD READING RESUMED

The Bill:

H. 953. To provide for a cost-of-living increase for all state employees and officials, including certain judges under certain circumstances, and other elected officials; to provide for revision of pay rates by the State Personnel Director and by the Administrative Director of Courts; to provide for the conditions prior to the granting of the conditional cost-of-living increase hereby authorized; to otherwise provide for and identify the funds from which said cost-of-living increase shall be paid and to appropriate such additional funds as may be necessary to pay such increase, subject to the condition of the state treasury and/or the availability of monies otherwise appropriated for any purpose during the fiscal year ending September 30, 1980.

was taken up.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, H. B. 953, to-wit:

COMMITTEE SUBSTITUTE FOR H. B. 953

A BILL
TO BE ENTITLED
AN ACT

To provide for a cost-of-living increase for all state employees and officials, including certain judges under certain circumstances, and certain other officials; to provide for revision of pay rates by the State Personnel Director and by the Administrative Director of Courts; to provide for the conditions prior to the granting of the conditional cost-of-living increase hereby authorized; to otherwise provide for and identify the funds from which said cost-of-living increase shall be paid and to appropriate such additional

funds as may be necessary to pay such increase, subject to the condition of the state treasury and/or the availability of monies otherwise appropriated for any purpose during the fiscal year ending September 30, 1980.

Be It Enacted by the Legislature of Alabama:

Section 1. Beginning on October 1, 1979, and payable in a lump sum quarterly, all state employees who are listed in the classified and unclassified service of the state as defined in the Code of Alabama 1975, Section 36-26-10, and all other state employees and all hourly employees of the state, except those set out in Section 2 herein, and all legislative personnel, officers, and employees, including but not limited to Legislative Reference Service personnel, whether subject to the state merit system or not, and non-elected officials, all circuit clerks and registers, and all other elected officials of the judicial branch of government and all employees of the County Health Departments who are employed subject to the State Merit System and whose compensation is paid out of a budget provided and agreed upon by the state, county, or other contributing agency under the direction of the State Board of Health and all state judges, except as provided in Section 2, shall receive a conditional cost-of-living increase in their salaries or compensation up to 7% conditional as provided herein. The amount of the conditional appropriation shall be determined during any quarter of the fiscal year conditional upon the condition of the state treasury upon the State Budget Officer's determination that funds otherwise appropriated and/or any additional monies in the state treasury are available to pay such conditional increase. The amount of such cost-of-living increase up to 7% shall be determined by the State Budget Officer on the basis of the percent of increase which can be paid and supported by the monies otherwise appropriated to and among the same departments, boards, bureaus, commissions, agencies, offices, or institutions for fiscal year 1979-80 and/or the condition of the state treasury as provided in this Act; and it is the intention of the Legislature that the Governor be, and he is hereby authorized to, transfer such amounts to, from, and between such departments, boards, bureaus, commissions, agencies, offices, and institutions under his direct control for the purpose of paying the cost-of-living increase for state employees and officials; any cost-of-living increase granted under the provisions of this act shall in no way apply to any local supplement provided to any judges or any other employees of this state.

Section 2. The provisions of this Act shall not apply to any merit system employee or hourly employee whose service or rates of pay are covered by any labor agreement or contract, nor shall this Act apply to state judges whose salaries are payable from the State Treasury if such judges' salaries are increased under and by virtue of: (1) the recommendations contained in the Report of the Judicial Compensation Commission to the 1979 Regular Session of the Legislature becoming law; or (2) the enactment into law of legislation altering and amending said Report, or (3) any other legislation enacted into law during the 1979 Regular Session of the Legislature; nor shall this Act apply to any person who, for any quarter in which said person, was not employed for the entire quarter.

Section 3. The State Budget Officer shall determine the amounts necessary to pay appropriations for each quarter of the fiscal year ending September 30, 1980, from the funds from which salaries are paid and from the general fund. In the event revenues accrue to the funds from which salaries are paid and to the state general fund for each of the four quarters of the fiscal year in amounts beyond those funds necessary to pay the above mentioned

appropriations, the State Budget Officer shall certify those additional funds, if any, as being available for the conditional salary increases provided by this Act.

Section 4. The State Budget Officer shall allot funds available under the provisions of this Act under similar procedures as provided in Article 4, Chapter 4, Title 41, of the Code of Alabama 1975, for the purposes of paying the conditional cost-of-living salary increases provided by this Act.

Section 5. Upon allotment by the State Budget Officer, the State Treasurer shall issue a warrant in the amount determined to be available for each quarter for the conditional cost-of-living salary increases provided by this Act.

Section 6. In the event the entitlement for one quarter is not available in any quarter, such deficit shall be made up in subsequent quarters as funds are available.

Section 7. The State Personnel Director shall revise the schedule of rates for all employees and officials hereby affected regardless of whether subject to the State Merit System, to reflect the increase herein provided. The State Personnel Board shall certify to the State Comptroller the new rates of pay regardless of whether subject to the merit system, that each classification, employee or official is entitled to receive, and the Comptroller shall issue warrants in accordance therewith. With respect to court officials and employees within the Unified Judicial System who serve the trial courts of the state and the Administrative Office of Courts, the Administrative Director of Courts shall revise the salaries and schedule of rates set forth in the pay plan for such court officials and employees to reflect the increase herein provided, and shall certify the same to the State Comptroller who shall issue warrants in accordance therewith. Anything herein to the contrary notwithstanding, such revisions shall be made only once at the end of the Fiscal Year, that is on September 30, 1980, and shall reflect the actual total annual increase in rates of pay, resulting from the conditional quarterly payments.

Section 8. There is hereby appropriated, for the Fiscal Year beginning October 1, 1979, and ending September 30, 1980, from the funds from which the salaries of the several state employees and officials are paid, or if there is not sufficient money in such funds, then from the General Fund, such additional sums as may be necessary to pay the cost-of-living increase herein provided for such state employees and officials as are subject to the provisions of this Act. This appropriation is conditional on the availability of funds.

Section 9. No state employee or other person covered under the provisions of this Act shall receive a cost-of-living increase under the provisions of the Act out of any funds in the state treasury or otherwise unless the cost-of-living increase is granted to all state employees or persons covered under the provisions of this Act equally and sufficient funds are certified as being available on an equal basis by the Governor for all state employees or other persons covered under the provisions of this Act.

Section 10. In the event any section, sentence, clause, or portion of this Act should be declared invalid by any court of competent jurisdiction, such invalidity shall not affect the validity of any of the remaining sections, sentences, clauses, or portions of this Act, which shall continue effective.

Section 11. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 12. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 20; Nays 0.

Yeas:

Messrs.:	Denton	Lemaster	Proctor	
Barron	Harrison	Martin	Robertson	
Britnell	Higginbotham	Miller	Smith	
Callahan	Keener	Mitchem	Teague	
Clemon	Kirkland	Pearson	White	
deGraffenried				—20

Nays: —0

And said Bill, H. B. 953, as thus amended by the substitute, was read a third time at length and passed.

Yeas 27; Nays 0.

Yeas:

Messrs.:	Goodwin	Lemaster	Pearson	
Barron	Gulledge	Little	Proctor	
Britnell	Harrison	Martin	Robertson	
Callahan	Higginbotham	McDonald	St. John	
Clemon	Holmes	Miller	Smith	
Denton	Keener	Mitchem	Weeks	
Figures	Kirkland	Parsons	White	
				—27

Nays: —0

The Bill:

H. 23. To require moneys received by criminals as a result, directly or indirectly, of the sale of any story, article, book, play, script, et cetera about any portion of their lives or crimes to be paid to the state board of adjustment for distribution to the victims of their crimes; and to prescribe penalties for violation of this act.

was taken up.

On motion of Mr. St. John, consideration of the Bill, H. B. 23, was postponed until the next Legislative Day as Unfinished Business.

The Bill:

H. 831. To establish a Capitol Complex Maintenance and Repair Fund and to authorize the Department of Finance to charge rent on state buildings and to appropriate same.

was taken up.

Mr. deGraffenried offered the following amendment to the Bill, H. B. 831, to-wit:

AMENDMENT TO H. B. 831

Amend H. B. 831 by deleting in its entirety Section 2 of the bill and inserting in lieu therefor the following:

"Section 2. All rents collected, and income earned from such rents, under the provisions of this Act shall be deposited into a revolving fund in the state treasury designated as the Capitol Complex Maintenance and Repair Fund, and the Director of Finance is authorized to make deposits and expenditures from time to time from such fund for said purposes."

Which was adopted.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Goodwin	Lemaster	Robertson	
Barron	Gulledge	Little	St. John	
Britnell	Harrison	Miller	Smith	
Callahan	Holmes	Mitchem	Teague	
deGraffenried	Keener	Parsons	White	
Denton	Kirkland			—21

Nays: —0

And said Bill, H. B. 831, as thus amended, was read a third time at length and passed.

Yeas 20; Nays 0.

Yeas:

Messrs.:	Figures	Holmes	Parsons	
Barron	Goodwin	Keener	Robertson	
Britnell	Gulledge	Kirkland	St. John	
Clemon	Hall	Lemaster	Teague	
deGraffenried	Higginbotham	Little	White	
Denton				—20

Nays: —0

The Bill:

H. 494. This bill amends Section 16-5-1 through 16-5-10, Code of Alabama, 1975, an act to establish the Alabama Commission on Higher Education, so as to change the name of the Commission, to expand the membership of the Commission, to establish the Commission as the statewide long-range planning agency for postsecondary education, to provide the Commission with the authority of approval for new units or programs of instruction for academic credit, for advisory coordination of research and public service, the authority to regulate off-campus offerings for academic credit, the authority to regulate units or programs of instruction by non-Alabama institutions, to designate the Commission as the state agency responsible for the administration of those titles of the Higher Education Acts of 1965 as amended for those programs requiring a single state agency and those functions under the Southern Regional Education Compact heretofore assigned to the State Board of Education.

was taken up.

The Standing Committee on Education reported the following amendment to the Bill, H. B. 494, to-wit:

COMMITTEE AMENDMENT NO. 1 to H. B. 494

Amend H. B. 494 on page 10 by striking lines 9 through 29 and inserting in lieu thereof the following:

"An exception to the above off-campus authority is provided for the branch campuses of universities or branch campuses of junior colleges in existence at the time of passage of this act whose Fall 1978 registrations exceeded 500 class enrollments. For those branches which received an appropriation of not less than 50 percent of the Alabama Commission on Higher Education's formula funding during the 1980-81 fiscal year, the Commission shall present its recommendation for the continuation or termination of each branch with full findings of fact to the Legislature before a public joint meeting of the education committees of the House and Senate no later than the fifth legislative day of the 1981 regular sesison of the Legislature. The education committee of each house shall report to its respective house with a concurrence or nonconcurrence on each recommendation of the Commission. Debate on each recommendation shall be limited to one hour of continuous uninterrupted discussion for each recommendation and at the end of such time it shall be mandatory that the President of the Senate and the Speaker of the House shall in their respective houses call for a recorded vote. A resolution by simple majority of both houses is required to affirm a Commission recommendation. No more than one branch shall be continued or terminated in one resolution. A branch campus is a campus location with 500 or more class enrollments."

Further amend H. B. 494 on page 11 beginning on line 12 by striking after "reservation" the following:

"In the absence of any such review and approval by the Commission, no state funds shall be expended on such programs."

The Standing Committee on Education then reported the following amendment to Committee amendment No. 1 to the Bill, H. B. 494, to-wit:

EDUCATION COMMITTEE AMENDMENT NO. 2
TO H. B. 494

Amend Amendment No. 1 to House Bill No. 494, page 1, line 2 by inserting after the word "universities" the following words: operating prior to 1960 and universities operating branches on junior college campuses

And after the phrase "1980-81 fiscal year", line 6 by inserting the words: for those branches which began operating since 1960,

On motion of Mr. Proctor, said Committee amendment No. 2 to Committee amendment No. 1, was laid on the table.

On motion of Mr. Proctor, said Committee amendment No. 1 to the Bill, H. B. 494, was laid on the table.

Mr. Higginbotham offered the following amendment to the Bill, H. B. 494, to-wit:

AMENDMENT TO HOUSE BILL 494

Amend H. B. 494 on page 9 by inserting after line 19 the following:

"An exception to the above off-campus authority is provided for the branch campuses of universities or branch campuses of junior colleges in existence at the time of passage of this act whose Fall 1978 registrations exceeded 500 class enrollments and branch campuses of universities operating prior to 1960. For those branches which began operating since 1960 and which received an appropriation of not less than 50 percent of the Alabama Commission on Higher Education's formula funding during the 1980-81 fiscal year, the Commission shall present its recommednation for the continuation or termination of each branch with full findings of fact to the Legislature before a public joint meeting of the education committees of the House and Senate no later than the fifth legislative day of the 1981 regular session of the Legislature. The education committee of each house shall report to its respective house with a concurrence or non-concurrence on each recommendation of the Commission. Debate on each recommendation shall be limited to one hour of continuous uninterrupted discussion for each recommendation and at the end of such time it shall be mandatory that the President of the Senate and the Speaker of the House shall in their respective houses call for a recorded vote. A resolution by simple majority of both houses is required to affirm a Commission recommendation. No more than one branch shall be continued or terminated in one resolution. A branch campus is a campus location with 500 or more class enrollments."

Which was adopted.

Yeas 23; Nays 1.

Yeas:

Messrs.:	Denton	Holmes	Mitchem
Barron	Figures	Keener	Proctor
Britnell	Gulledge	Little	Robertson
Clemon	Hall	Martin	Smith
Cook	Harrison	McDonald	Teague
deGraffenried	Higginbotham	Miller	White

—23

Nay: Mr. Kirkland. —1

Mr. Higginbotham then offered the following amendment to the Bill, H. B. 494, as amended, to-wit:

AMENDMENT TO H. B. 494, AS AMENDED

Amend H. B. 494 on page 4 by striking after the word "year" on line 31 the remainder of line 31 and all of lines 32 and 33 and inserting in lieu thereof the following:

"The current nine members are subject to reconfirmation by the Senate and shall continue to the expiration of their respective terms subsequent to such reconfirmation, but shall continue to serve as appointed until such reconfirmation. In the event that the Senate shall fail to reconfirm a current member, the Governor shall with the advice and consent of the Senate appoint a replacement for the unexpired term."

Which was adopted.

Yeas 22; Nays 0.

Yeas:

Messrs.:	Figures	Keener	Proctor	
Barron	Gulledge	Kirkland	St. John	
Britnell	Hall	Lemaster	Smith	
Cook	Harrison	Little	Teague	
deGraffenried	Higginbotham	McDonald	White	
Denton	Holmes	Miller		—22

Nays: —0

Mr. Miller offered the following amendment to the Bill, H. B. 494, as amended, to-wit:

AMENDMENT TO H. B. 494, AS AMENDED

Amend H. B. 494 on page 6 by striking lines 24 through 28 and inserting in lieu thereof the following:

"The Commission is authorized to appoint a highly qualified person as its Executive Officer with the consent and approval of the Senate of the State of Alabama. The Executive Officer shall be reconfirmed by the Senate on a two-year cycle beginning during the regular session of 1980. Failure of the Senate to confirm or to reconfirm the Executive Officer shall result in his or her immediate dismissal. The Executive Officer shall, with the consent and approval of the Commission, select and supervise the Commission's staff and perform such other duties as may be delegated to him by the Commission, within the amounts made available for the Commission's operation."

Which was adopted.

Yeas 23; Nays 1.

Yeas:

Messrs.:	Goodwin	Kirkland	Proctor	
Bailey	Gulledge	Lemaster	Robertson	
Britnell	Hall	Little	St. John	
Clemon	Higginbotham	Martin	Smith	
deGraffenried	Holmes	McDonald	Teague	
Figures	Keener	Miller	White	
				—23

Nay: Mr. Barron. —1

Mr. deGraffenried offered the following amendment to the Bill, H. B. 494, as amended, to-wit:

AMENDMENT TO H. B. 494, AS AMENDED

Amend House Bill 494, Section 10, Subsection (m), by changing the period to a comma and adding after the word "qualifies" the words, "unless otherwise designated by Executive order."

Which was adopted.

Yeas 27; Nays 0.

Yeas:

Messrs.:	Goodwin	Kirkland	Parsons
Bailey	Gulledge	Lemaster	Proctor
Barron	Hall	Little	Robertson
Britnell	Harrison	Martin	St. John
Clemon	Higginbotham	McDonald	Smith
deGraffenried	Holmes	Miller	Teague
Figures	Keener	Mitchem	White

—27

Nays: —0

And said Bill, H. B. 494, as thus amended, was read a third time at length and passed.

Yeas 23; Nays 1.

Yeas:

Messrs.:	Figures	Kirkland	Mitchem
Bailey	Gulledge	Lemaster	Parsons
Barron	Hall	Little	Proctor
Britnell	Higginbotham	Martin	St. John
deGraffenried	Holmes	McDonald	Smith
Denton	Keener	Miller	White

—23

Nay: Mr. Robertson. —1

CALENDAR BILLS INDEFINITELY POSTPONED

On motion of Mr. St. John, consideration of all Senate Bills remaining on the Calendar (with the exception of S. B. 151) was indefinitely postponed by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 132. To amend Section 41-16-50, Code of Alabama, 1975, which relates to competitive bidding and the expenditure of public funds, so as to include the Alabama state docks department in the provisions of the statute which excludes them from the requirement of competitive bids where the amount is less than $2,000.00; and to further provide for the awarding of contracts to resident bidders.

Also:

S. 227. To amend Section 11-50-313, Code of Alabama 1975, which pertains to the Board of Directors of certain water, sewer, gas and electric systems, so as to authorize the governing body of the municipality with respect to which the corporation was primarily organized, to set and establish the fee payable to the director of the corporation.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 831. To establish a Capitol Complex Maintenance and Repair Fund and to authorize the Department of Finance to charge rent on state buildings and to appropriate same.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bills:

H. 3. To amend Section 37-1-3, Code of Alabama 1975, so as to provide that the members of the Public Service Commission shall take office the day after the general election at which they were elected.

Also:

H. 847. Relating to Jefferson County; to abolish the office of County Coroner and to provide that all duties, rights and powers authorized or performed by said officer shall be exercised and performed by the Jefferson County Coroner-Medical Examiners' office; to provide for the powers, rights, duties, compensation and composition of such office; to provide for the Jefferson County Coroner-Medical Examiners' Commission; to provide for the powers, rights, duties, composition and terms of office of the members of such commission; and to relieve the members of such commission and other persons from civil or criminal liability.

Also:

H. 715. To amend Sections 645, 650, 1235, 2015, 3225, 3230, 3240, 4045, 4140, 4145, 4150, 4510, and 4535 of Act No. 607, S. 33, Regular Session 1977 (Acts of Alabama 1977, p. 812), as amended, entitled, "An Act To provide an entirely new criminal code for the State of Alabama; defining offenses, fixing punishment; repealing numerous specific code sections and statutes that conflict herewith as well as all other laws that conflict with this Act," and to repeal Section 640 of said Act No. 607.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the House amendment to the bill:

S. 114. To provide for appointment and designation of supernumerary sheriffs of the several counties within this state; to prescribe qualifications for the participants in such commission as supernumerary sheriff; to prescribe regulations and procedures for participation in such commission as supernumerary sheriff and to repeal conflicting statutes.

And said bill as thus amended by the report of the Committee on Conference was again read at length and passed.

And said bill, together with the Report of the Committee on Conference, is herewith returned to the Senate.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Greer (with notice and proof):

H. 1044. Relating to lauderdale County; to provide further for the distribution of the payments made in lieu of ad valorem taxes by the Tennessee Valley Authority as authorized by Section 40-28-2, Code of Alabama 1975.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1044, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Hilliard (with notice and proof):

H. 1015. Relating to Jefferson County; to provide that members of the city board of education of Birmingham in Jefferson County are to be appointed, from nine districts within said city to be set and defined by the city council of Birmingham.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1015, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Cabaniss, Harrison, Seibels, Waggoner, Bennett and Tucker (with notice and proof):

H. 1003. To amend Section 4.04 of Act No. 452, Regular Session of the Legislature of Alabama of 1955, approved September 9, 1955 (Acts of 1955, Page 1004), as amended, providing a Mayor-Council form of government for cities having a population of 300,000 inhabitants or more according to the last or any subsequent Federal Census, to provide the method for determining the annual salary to be paid to the Mayor of such City.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1003, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 1004. To the Committee on Local Legislation No. 1.

H. B.'s 1015 and 1003. To the Committee on Local Legislation No. 2.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 52. To bring the laws of Alabama in conformity with P. L. 93-641 and Federal regulations by amending Section 22-21-260 relating to definitions, Section 22-21-265 relating to certificate of need required for new institutional health services, Section 22-21-274 relating to the review procedures, and Section 22-21-275 relating to application review for certificates of need. To repeal Section 22-21-262 which exempts certain acquisitions from certificate of need and Section 22-21-273 relating to the Health Facilities Review Council.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 727. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Sulligent, Lamar County, Alabama.

Also:

H. 808. Relating to Barbour County; to alter, rearrange and extend the boundary lines and corporate limits of the municipality of Eufaula in Barbour County.

Also:

H. 821. To amend Section 1 of Act No. 1247, H. 1642, Regular Session 1971 (Acts 1971, p. 2147), relating to the issuance of pistol permits in Cullman County, so as to increase the fee for said permits.

Also:

H. 854. To amend Sections 1 and 2 of Act No. 727, H. 1051, Regular Session 1978 (Acts of 1978, p. 1052), entitled, "An Act Relating to Morgan County; to further provide for the salaries of employees of the sheriff's department and to provide for additional employees," so as to further provide for the salaries of employees of the sheriff's department and to provide for additional employees.

Also:

H. 873. Relating to Jackson County, Alabama; providing for the payment of an expense allowance of not more than two hundred dollars ($200.00) per month to the chairman of the Jackson County commission and to each member of said commission and repealing any laws in conflict therewith.

Also:

H. 885. Relating to Montgomery County; to authorize, provide for the licensing of, and to regulate the operation of and hunting on privately owned hunting preserves stocked by artificially propagated or "pen-raised" upland birds; to prescribe the fees for such licenses; to provide for their collection and distribution; to provide that the licensee shall be an agent vendor of hunting licenses; and to prescribe penalties for violation of this Act.

Also:

H. 886. Relating to Montgomery County; providing for authority to increase the compensation of all appointed election officers for each election; to provide for additional compensation to be paid election officials designated as the chief inspector, inspector and chief clerk for each election held based upon the number of voting machiens; and to provide that this act shall be superseded by any subsequent statewide act increasing the compensation of election officials.

Also:

H. 887. To provide that the Montgomery County Commission may grant certain cost of living increases to retired members of the Montgomery County retirement system and to authorize and empower said commission to make necessary contributions from the county general fund to effect such increases.

Also:

H. 890. Relating to Morgan County; to amend Act No. 806, H. 1228, Regular Session 1971, (Acts 1971, p. 1561), entitled "An Act Relating to Morgan County; fixing the fee for issuance of pistol permits by the Sheriff and providing for distribution and use of such fees," so as to provide further for such fees.

Also:

H. 925. Relating to Monroe County; to amend Act No. 1823, H. 2473, 1971 Regular Session (Acts of 1971, p. 2991), so as to increase the coroner expense account.

Also:

H. 939. Relating to Marion County; providing for an expense allowance for each member of the county commission.

Also:

H. 940. Relating to Marion County; to provide clerical assistance for the tax assessor and tax collector in said county.

Also:

H. 962. To provide further for the election of the chairman and members of the Dale County Commission so that said chairman shall be elected at large and said commissioners shall be elected from their respective districts and providing that this Act shall become effective only if approved at a referendum election in Dale County.

Also:

H. 963. Relating to Dale County; to provide an additional expense allowance for the chairman and members of the county commission.

Also:

H. 965. To alter, rearrange and extend the boundary lines of the City of Troy, Alabama, so as to include additional land within the corporate limits.

Also:

H. 966. Relating to Conecuh County; to provide for an increase in the pay of members of the board of equalization.

Also:

H. 967. Relating to Conecuh County; to provide an additional expense allowance for the tax collector of such county for clerk hire.

Also:

H. 968. Relating to Conecuh County; to provide an additional clerk-hire allowance for the tax assessor.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 969. To authorize the Coosa County Commission to provide protection against forest fires within the county and to assess the whole or a part of the cost thereof, within a prescribed limit, against forest lands in the county; and to prescribe the procedure for levying and collecting such assessments.

Also:

H. 970. Relating to Coosa County; to amend Act No. 864, H. 1099, 1978 Regular Session (Acts 1978, p. 1290), providing for the reidentification of registered voters in said county, so as to increase the salary of the board of registrars.

Also:

H. 976. Relating to Russell County; providing for the hiring of five additional deputy sheriffs to be appointed by the sheriff and providing salaries therefor.

Also:

H. 977. Relating to Russell County; to provide that all functions, duties and responsibilities for the construction, maintenance and repair of public roads, highways, bridges and ferries in the county shall be vested in the county engineer and shall be maintained on the basis of the county as a whole, without regard to district or beat lines, and to prescribe certain duties for the county engineer.

Also:

H. 981. Relating to Baldwin County; to provide an additional expense allowance for the coroner of said county.

Also:

H. 983. Relating to Cleburne County; to provide for the taxing and collecting of certain additional court costs for the purposes of establishing a Law Library Fund and a Sheriff's Department Fund; and to authorize the expenditure of said funds.

Also:

H. 984. Relating to Clay County; abolishing the position of county license inspector; placing the powers, duties and functions of said office in the sheriff of said county; providing for the disposition of fees accruing from the performance of the duties of license inspector and repealing conflicting laws.

Also:

H. 985. To reopen the state employees' retirement system of Alabama for prior service for certain employees of Cleburne County who did not become members of the said retirement system on the date of the effective participation of Cleburne County; to provide that as a prerequisite to such credit, members must be an active and contributing member of the employees' retirement system and in the active service of Cleburne County, the employer for whom such prior service was rendered; and providing that Cleburne County shall pay such employer costs as are necessary with respect to its employees subject to this act.

Also:

H. 986. Relating to Cleburne County; abolishing the position of county license inspector; placing the powers, duties and functions of said office in the sheriff of said county; providing for the disposition of fees accruing from the performance of the duties of license inspector and repealing conflicting laws.

Also:

H. 989. Relating to Houston County; to allow the assessment and payment of fees by owners for the paving by the county of streets within the county; to authorize the county governing body to establish and maintain a program of street paving, and to allow Houston County a lien therefore on such abutting land and improvements thereon.

Also:

H. 993. This bill provides that a stamp shall be affixed to each magazine sold in Mobile County which contains pictures or photographs of uncovered female breasts or the uncovered genital organs of a man or woman, providing for a fee to be charged for each stamp and providing for the use of the revenue collected therefrom.

Also:

H. 997. Relating to Walker County, providing for the establishment of a consolidated and unified system for assessment and collection of taxes, under the supervision of an elected county official designated as county revenue commissioner, and repealing conflicting laws.

Also:

H. 998. Relating to Walker County, Alabama, only; to provide for compensation for the members of the Board of Equalization for Walker County and to provide retroactive effect to June 1, 1979.

Also:

H. 999. To amend Section 2 of Act No. 115, H. 332, 1953 Regular Session (Acts of 1953, p. 164) entitled "An Act Relating to the Fourteenth Judicial Circuit; providing for the drawing and the summoning and service by mail of petit jurors in criminal, quasi-criminal and civil cases and persons drawn for jury service to compose grand juries in the Fourteenth Judicial Circuit and providing secrecy as to names and identity of persons drawn for petit or grand jury service and prescribing penalties for violation of this Act," so as to provide for jury summons by regular mail.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, and House Joint Resolution, your signature thereto is requested.

H. 103. To amend Section 6-5-335, Code of Alabama 1975, relating to the exemption from civil liability of members of organized volunteer fire

departments who make efforts to preserve and protect any building and property from fire, so as to exempt such volunteers as well as members of organized rescue squads from civil liability whose acts, in the line of their duties, unintentionally cause injury to fellow volunteers or owners of said property.

Also:

H. 235. Relating to illegal nighttime deer hunting; declaring motor vehicles, guns, rifles, ammunition and hunting equipment used in illegal nighttime deer hunting to be contraband; and providing for the condemnation and sale thereof for the benefit of the state game and fish fund.

Also:

H. 263. To amend Section 5-1-9, Code of Alabama 1975, so as to provide that call reports shall be transmitted by each state bank to the superintendent of banks within thirty days after the receipt of a request therefor from him; to provide further that any state bank failing to transmit such call report within the thirty-day period shall pay a penalty to the state banking department of one hundred dollars per day.

Also:

H. 266. To amend Section 5-3-1, Code of Alabama 1975, relating to state banks, so as further to regulate such banks by requiring that certain annual audits be made and be available on bank premises to the superintendent of banks; and to authorize the superintendent of banks to promulgate rules and regulations establishing minimum standards for such audits and reports.

Also:

H. 267. To amend Title 5, Section 185, Alabama Code, relating to directors of banks or trust companies doing a banking business organized under Alabama law; to change the residence requirements by providing that at least fifty-one percent of the directors of every such bank or trust company shall be residents of the State of Alabama.

Also:

H. 292. To amend section 12-17-183 of the Code of Alabama 1975, relating to residency requirements of district attorneys in the state, so as to regulate further the residency requirements of the district attorneys.

Also:

H. 304. Relating to electors; to authorize incorporated municipalities to enter into contracts with any county and its board of registrars to conduct a program of identification of registered electors residing within the corporate limits of the municipality; to provide that any county and its board of registrars may conduct an identification program of electors residing in the municipality; to authorize incorporated municipalities to expend public funds for such purposes herein set forth.

Also:

H. 455. To amend Section 9-11-44, Code of Alabama 1975, relating to annual residence hunting licenses, so as to increase the fee for such licenses.

Also:

H. 772. To further amend Section 34-5-15 of the Code of Alabama 1975, as amended, relating to applicability of the state barber's law, so as to provide further for such applicability.

Also:

H. J. R. 306. COMMENDING THE UNIVERSITY OF ALABAMA CHAPTER OF PHI DELTA KAPPA ON ITS FIFTIETH ANNIVERSARY AND DESIGNATING APRIL 25, 1980, AS PHI DELTA KAPPA DAY.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thrids vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills and House Joint Resolution, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 1000. Relating to Walker County; assessing an additional fee for any criminal or misdemeanor proceeding in the circuit, district or juvenile court; providing for the collecting and disbursing of such funds; and prescribing that the revenue collected pursuant to the provisions of this act shall be paid into the county treasury for the juvenile court advisory committee.

Also:

H. 1001. To provide for a supplemental salary for the circuit judges and an expense allowance for the District Attorney of the Fourteenth Judicial Circuit; to be paid by the county comprising such circuit, to fix the amount and method of payment of such salary and expense allowance; and to provide that no retirement contributions shall be deducted from the District Attorney's expense allowance.

Also:

H. 1004. Relating to Marshall County; to provide further for the powers and duties of the county commission; to ratify and confirm certain expenditures heretofore made to the custodian of voting machines; and to provide further for the method of compensation of said custodian by the county commission.

Also:

H. 1005. Relating to Marshall County: fixing the fee for the issuance of a pistol permit by the sheriff and providing for the deposit of such fees in a sheriff's fund.

Also:

H. 1007. Relating to Lauderdale County; to amend Act No. 285, H. 1050, Regular Session 1975 (Acts 1975, p. 820), relating to the expense allowance for the county coroner, so as to further provide for such allowance.

Also:

H. 1008. Relating to Lauderdale County; to further amend Section 2 of Act No. 791, H. 923, 1969 Regular Session (Acts 1969, p. 1421), which provides for the deputy sheriff's uniform allowance, so as to include other employees within the scope of said section.

Also:

H. 1009. Relating to Lauderdale County; providing further for the salary of the members of the Board of Equalization, payable pursuant to Section 40-3-8 of the Code of Alabama 1975, with the municipality, county and state sharing the costs therefor; and providing for retroactive effect to May 15, 1979.

Also:

H. 1010. To amend Act No. 192, H. 526, 1971 Regular Session (Acts 1971, p. 487) entitled "An Act relating to Calhoun County; providing for meetings of and clerical assistance to the board of registrars of Calhoun County," relative to the salary of the executive secretary to the board, to make the provisions of this amendatory act retroactive.

Also:

H. 1011. To repeal Act No. 225, H. 214, approved September 11, 1975, Regular Session 1975 (Acts 1975, p. 753), entitled "An Act Relating to Calhoun County; providing for meetings of and clerical assistance to the board of registrars of Calhoun County, relative to the salary of the executive secretary to the board, to make the provisions of this amendatory act retroactive."

Also:

H. 1019. Relating to Marshall County; to provide a salary increase for the tax assessor and tax collector for said county and to provide for the effective date of said increase.

Also:

H. 959. Proposing an amendment to the Constitution of 1901, as amended, authorizing the City of Demopolis to levy and collect an additional tax on property for public educational purposes.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been

publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 295. CREATING THE JOINT INTERIM COMMITTEE TO STUDY THE EFFECTS OF RADIATION AND OTHER AREAS OF NUCLEAR ENERGY ACTIVITIES ON THE STATE OF ALABAMA.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Executive amendment to the Bill:

S. 523. To further amend Section 11 of Act No. 497 of the Regular Session of the Legislature of Alabama of 1965 (Ala. Acts, 1965, pp. 717-739), as heretofore amended, which said Act established a pension system for officers and employees of Jefferson County, Alabama.

said vote being Yeas 26, Nays 0.

And said Bill S. B. 523, as amended by the Executive amendment, was again read at length and passed, said vote being Yeas 21, Nays 0.

And said Bill S. B. 523, together with the Executive amendment, is herewith returned to the Senate.

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

At 9:05 P.M., on motion of Mr. St. John, in accordance with Joint Resolution heretofore adopted, and pending further consideration of S. B. 151 and H. B. 23, the Senate adjourned until Thursday, July 19, 1979, at 11 o'clock A.M.

TWENTY-NINTH LEGISLATIVE DAY

THURSDAY, JULY 19, 1979

The Senate met pursuant to adjournment, Lieutenant Governor McMillan presiding.

PRAYER

The Session was opened with prayer by Dr. Billy L. Harris, Pastor, Pleasant Ridge Baptist Church, Hueytown, Alabama.

ROLL CALL

Present:

Messrs.:	Figures	Kirkland	Proctor	
Bailey	Glass	Lemaster	Robertson	
Barron	Goodwin	Little	St. John	
Britnell	Gulledge	Martin	Smith	
Callahan	Hall	McDonald	Teague	
Clemon	Harrison	Miller	Vacca	
Cook	Higginbotham	Mitchem	Weeks	
deGraffenried	Holmes	Parsons	White	
Denton	Keener	Pearson		—34

JOURNAL

On motion of Mr. St. John, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Twenty-Eighth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

ALBERT McDONALD,
Chairman.

COMMITTEE REPORT

On motion of Mr. McDonald, the foregoing report was concurred in and the Journal of the Senate for the Twenty-Eighth Legislative Day was approved by the Seneate.

LEAVE OF ABSENCE

On motion of Mr. St. John, leave of absence was granted Mr. Taylor for today.

REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, with amendment, to-wit:

H. J. R. 296. CREATING A JOINT LEGISLATIVE COMMITTEE ON ENERGY.

The Standing Committee on Rules offered the following amendment to the Resolution, H. J. R. 296, to-wit:

COMMITTEE AMENDMENT TO H. J. R. 296

Amend H. J. R. 296, page 1, by striking out lines 18 thru 21 and in lieu thereof insert the following:

The joint committee shall be composed of ten members, including the lieutenant governor and the speaker of the house, four members from the senate to be appointed by the lieutenant governor and four members from the house of representatives to be appointed by the speaker of the house.

Further amend H. J. R. 296 by striking lines 15, 16 and 17 and inserting in lieu thereof the following

"until the end of the 1982 regular session of the legislature"

Which was adopted

And on motion of Mr. Little, said Resolution, H. J. R. 296, as thus amended, was then concurred in and adopted by the Senate.

Mr. McDonald, Chairman of the Standing Committee on Rules, reproted that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, with amendment, to-wit:

H. J. R. 274. CREATING A JOINT LEGISLATIVE COMMITTEE TO STUDY THE FEASIBILITY OF A STATE LOTTERY

The Standing Committee on Rules reported the following amendment to the Resolution, H. J. R. 274, to-wit:

COMMITTEE AMENDMENT TO H. J. R. 274

Amend H. J. R. 274 Page 2 Line 36, by striking out the figure "$20,000.00" and inserting the figure "$15,000.00"

Mr. Little offered the following substitute amendment for the Committee amendment to the Resolution, H. J. R. 274, to-wit:

SUBSTITUTE AMENDMENT FOR COMMITTEE AMENDMENT TO H. J. R. 274

Amend H. J. R. 274 Page 2 Line 36, by striking out the figure $20,000.00 and inserting the figure $7,000.00

Which was lost.

Yeas 9; Nays 10.

Yeas:

Messrs.:	Hall	Keener	Robertson	
Britnell	Harrison	Little	White	
deGraffenried	Holmes			—9

Nays:

Messrs.:	Denton	Mitchem	Teague	
Callahan	Lemaster	St. John	Weeks	
Cook	McDonald	Smith		—10

On motion of Mr. Little, further consideration of the Resolution, H. J. R. 274, and pending amendment, was postponed temporarily.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate.

S. 598. Relating to Pike County; to provide an additional expense allowance for the coroner of such county.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Weeks, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 598, the title of which is set out in the foregoing Message from the House, to-wit:

HOUSE AMENDMENT TO S. B. 598

Amend S. B. 598 in Section 1, line 16, by inserting after the word allowance the following words:

up to

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Kirkland	Pearson	
Bailey	Figures	Little	Proctor	
Barron	Glass	Martin	St. John	
Britnell	Goodwin	Miller	Smith	
Callahan	Hall	Mitchem	Teague	
Clemon	Holmes	Parsons	Weeks	
Cook	Keener			—25

Nays: —0

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, respectively, and finds same correctly enrolled, to-wit:

S. 114. To provide for appointment and designation of supernumerary sheriffs of the several counties within this state; to prescribe qualifications for the participants in such commission as supernumerary sheriff; to prescribe regulations and procedures for participation in such commission as supernumerary sheriff and to repeal conflicting statutes.

Also:

S. 132. To amend Section 41-16-50, Code of Alabama, 1975, which relates to competitive bidding and the expenditure of public funds, so as to include the Alabama state docks department in the provisions of the statute which excludes them from the requirement of competitive bids where the amount is less than $2,000.00; and to further provide for the awarding of contracts to resident bidders.

Also:

S. 136. To authorize designated agents to issue temporary license tags and temporary registration certificates for motor vehicles to be permanently licensed outside the state of Alabama; to authorize manufacturers and dealers of mobile homes, trailer coaches, travel trailers or house trailers to issue temporary license tags and registration certificates for such vehicles which are to be licensed outside Alabama; to authorize probate judges or other county officials authorized and required by law to issue motor vehicle license tags to issue temporary license tags and temporary registration certificates when a permanent license tag cannot be immediately issued or when other good cause exists; to provide for the period of validity of such temporary license tags and registration certificates; to provide for the fees to be collected, records to be maintained, and forms to be utilized in connection with issuance of temporary license tags and registration certificates; to empower the department of revenue with the authority to adopt rules and regulations, prescribe forms and otherwise implement the provisions of the Act; and to impose criminal penalties for violation of the provisions of the Act.

Also:

S. 227. To amend Section 11-50-313, Code of Alabama 1975, which pertains to the Board of Directors of certain water, sewer, gas and electric systems, so as to authorize the governing body of the municipality with respect to which the corporation was primarily organized, to set and establish the fee payable to the directors of the corporation.

Also:

S. 523. To further amend Section 11 of Act No. 497 of the Regular Session of the Legislature of Alabama of 1965 (Ala. Acts, 1965, pp. 717-739), as heretofore amended, which said Act established a pension system for officers and employees of Jefferson County, Alabama.

ALBERT McDONALD,
Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing report from the Committee on Rules.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, respectively, and finds same correctly enrolled, to-wit:

S. 32. To amend Act No. 408 of the Regular Session, 1977 to further prescribe, authorize and regulate investments of life, disability and burial insurance companies by authorizing investment in certain type of mortgage loan up to one hundred percent of value under certain conditions.

Also:

S. 35. Relating to Madison County; providing that the county commission may provide additional compensation for poll officials in an amount up to $10 per day from the county general fund.

Also:

S. 100. To amend Section 27-15-28 and Section 27-36-7, Code of Alabama, 1975, as amended, which relate to the standard nonforfeiture law and the standard valuation law of life insurance and annuity contracts, so as to increase the statutory interest assumptions for new life insurance and annuity business; to redefine the commissioners reserve valuation method for annuities; to modify the commissioners reserve valuation method and deficiency reserve requirements for those life insurance policies which now require deficiency reserves; to revise the permissible age setback for females in the standard nonforfeiture and valuation laws for life insurance from three years to six years; to revise the standard valuation law to increase the statutory interest rate for group annuities purchased prior to the 1972 NAIC Amendments to the standard valuation law; and to adopt a new standard nonforfeiture law for individual deferred annuities.

Also:

S. 364. To further regulate the liquor traffic in Autauga County; to give the municipal governing bodies or the county commission the right and authority to suspend or revoke any license issued for the sale of alcoholic beverages; to make such suspension or revocation subject to review by the State Alcoholic Beverage Control Board.

Also:

S. 402. To amend Section 17-4-25 of the Code of Alabama 1975 relating to the clerical assistants and help for the judge of probate for the preparation of the list of qualified electors which the judge of probate is required to furnish the election inspectors.

Also:

S. 583. Providing an expense allowance for the chairman and members of the Winston County Commission.

Also:

S. 584. Relating to Winston County; to provide for the disposition of proceeds of any coal and lignite severance tax distributed to the county by the state; to repeal Act Number 75, H. 50, 1978 Second Special Session, (Acts 1978, p. 1764).

Also:

S. 585. Relating to Elmore County; to alter, re-arrange and extend the boundary lines and corporate limits of the City of Millbrook in Elmore County, Alabama and to set the limits of the police jurisdiction.

Also:

S. 592. Relating to Etowah County; providing for the salaries of the chairman of the county commission and the members of such commission.

Also:

S. 634. To regulate the expense allowances in the Thirtieth Judicial Circuit for district judges; and to provide for retroactive effect.

ALBERT McDONALD,
Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing report from the Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 152. Creating the Alabama Aviation Hall of Fame Board; providing the method of selection of its members; prescribing its powers and duties; providing that no person may derive income or profit from the funds or property of the board; and providing that gifts to and property, funds and activities of the board shall be exempt from taxation.

Also:

H. 275. To raise revenue by levying a privilege or excise tax on every person licensed under the provisions of Title 28, Article 4, Code of Alabama 1975, who sells, stores, or receives for the purpose of distribution, malt or brewed beverages; to provide for the collection and distribution of the proceeds of said tax; to prescribe penalties for failure to collect or pay the tax or for possession of unidentified malt or brewed beverages; to provide for identification of such beverages; and to supersede and repeal Title 28, Article 5, Chapter 3, Code of Alabama 1975, and repeals other conflicting laws.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 3. To amend Section 37-1-3, Code of Alabama 1975, so as to provide that the members of the Public Service Commission shall take office the day after the general election at which they were elected.

Also:

H. 715. To amend Sections 501, 645, 650, 1235, 2015, 3225, 3230, 3240, 4045, 4140, 4145, 4150, 4510, and 4535 of Act No. 607, S. 33, Regular Session 1977 (Acts of Alabama 1977, p. 812), as amended, entitled, "An Act To provide an entirely new criminal code for the State of Alabama; defining offenses, fixing punishment; repealing numerous specific code sections and statutes that conflict herewith as well as all other laws that conflict with this Act," and to repeal Section 640 of said Act No. 607.

Also:

H. 847. Relating to Jefferson County; to abolish the office of County Coroner and to provide that all duties, rights and powers authorized or performed by said officer shall be exercised and performed by the Jefferson County Coroner-Medical Examiners' office; to provide for the powers, rights, duties, compensation and composition of such office; to provide for the Jefferson County Coroner-Medical Examiners' Commission; to provide for the powers, rights, duties, composition and terms of office of the members of such commission; and to relieve the members of such commission and other persons from civil or criminal liability.

Also:

H. 831. To establish a Capitol Complex Maintenance and Repair Fund and to authorize the Department of Finance to charge rent on state buildings and to appropriate same.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 235. Relating to Jefferson County; to amend Act No. 261, H. 1462, Regular Session, 1975, (Acts of 1975, p. 795) an act fixing supplemental salaries for each District Court Judge in Jefferson County, Alabama.

Also:

S. 620. To provide for the distribution of payments in lieu of taxes by Tennessee Valley Authority of the United States Government made to Limestone County pursuant to Act No. 92 of the 1978 Alabama Legislature, approved August 7, 1978, 1978 Acts of Alabama, Page 1787, among the various governmental units, schools, and hospital in Limestone County which receive distributions of ad valorem tax revenues.

Also:

S. 622. To repeal Act No. 1220, S. 618, Regular Session 1973, (Acts 1973, p. 2068) entitled "An Act To authorize the Tax Assessor, Tax Collector, and Clerk of the Circuit Court, Circuit Judge, Judge of Probate Court and Judge of the Intermediate Court in all counties having a population of not less than 23,900 nor more than 24,450 to hire clerical assistants, to set the compensation of such assistants, and to provide that the salaries of such assistants be paid from the general funds of such Counties."

Also:

S. 623. Relating to Franklin County; to authorize the tax assessor, tax collector and Judge of Probate to hire clerical assistants, to assist him in the performance of his duties.

Also:

S. 624. Relating to Franklin County; providing further for the compensation of election officials.

Also:

S. 638. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Alexander City, in Tallapoosa County.

Also:

S. 626. Relating to Marshall County; to provide a salary increase for the tax assessor and tax collector for said county and to provide for the effective date of said increase.

Also:

S. 636. Relating to Marshall County; to provide further for the powers and duties of the county commission; to ratify and confirm certain expenditures heretofore made to the custodian of voting machines; and to provide further for the method of compensation of said custodian by the county commission.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate.

S. 564. Relating to Madison County, to reallocate Madison County's share of payments made by the Tennessee Valley Authority to the state in lieu of ad valorem taxes.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. McDonald, the Senate non-concurred in the following House amendment to the Bill, S. B. 564, the title of which is set out in the foregoing Message from the House, to-wit:

HOUSE AMENDMENT NO. 1
TO S. B. 564

Amend S. B. 564 by deleting Section A in its entirety and substituting in lieu thereof the following:

Section A. To earmark a certain portion of the alcoholic beverage tax revenues accruing to the City of Huntsville under the provisions of Section 40-28-1 through 40-28-3 Code of Alabama 1975 for the purpose of establishing and maintaining a legislative delegation office. The City Council shall immediately pay such amounts from such funds as the Madison County legislative delegation may request.

Such requests shall be in the form of a resolution passed by the county legislative delegation, signed by one Senator and one Member of the House of Representatives from the county who shall be duly appointed by the delegation. The legislative delegation shall expend such monies to employ staff, acquire adequate physical office space, equipment, supplies, services and all other necessary items. The persons employed and expenditures of the funds by the legislative delegation shall be in their discretion. Any funds allocated but not expended at the end of the fiscal year, in accordance with this subsection, shall revert to the general fund of the county treasury. The revenue and expenditures of the legislative office shall be audited on an annual basis.

HOUSE AMENDMENT NO. 2 TO S. B. 564

Amend S. 564 on page 1, Section A, line 29 by striking county and inserting in lieu thereof the following: city

HOUSE AMENDMENT NO. 3 TO S. B. 564

Amend S. B. 564 on page 1, Section 1, line 36 by striking after the subsection (b) the following: 35% and inserting in lieu thereof the following: 17-1/2%

Further amend the substitute on page 1, Section 1, line 37 by adding the following language: (c) 17-1/2% to the City of Huntsville Hospital Authority, provided, however; that, if this percentage formula should produce more than $750,000 in any fiscal year, any excess revenue shall revert to the general fund of the City of Huntsville.

HOUSE AMENDMENT NO. 4 TO S. B. 564

Amend S. 564 on page 1, Section 2, lines 35-36 by striking lines 35-36 and inserting in lieu thereof, the following: all remaining funds shall be prorated in the following manner:

and requested a Committee on Conference.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Little	Robertson	
Bailey	Figures	McDonald	Smith	
Barron	Glass	Mitchem	Teague	
Britnell	Hall	Parsons	Vacca	
Callahan	Holmes	Pearson	Weeks	
Clemon	Keener	Proctor	White	
Cook	Lemaster			—25
Nays:				—0

And the President and Presiding Officer of the Senate appointed as Committee on part of the Senate Messrs. McDonald, Smith, and Lemaster.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate.

S. 611. Relating to Madison County; to provide for an increase in salary and expense allowance for certain officials in Madison County; and to provide that Section 2, 3 and 4 of this act relating to the increase in compensation of certain county officials shall be effective only if all full time county employees and deputy sheriffs have been provided a seven and one-half percent increase in compensation per annum prior to January 1, 1980.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. McDonald, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 611, the title of which is set out in the foregoing Message from the House, to-wit:

HOUSE SUBSTITUTE FOR S. B. 611

A BILL
TO BE ENTITLED
AN ACT

Relating to Madison County; to provide for a cost of living adjustment and expense allowance for certain officials in Madison County; and to provide that Sections 1, 2 and 3 of this act relating to the increase in compensation of certain county officials shall be effective only if all full time county employees and deputy sheriffs have been provided the same percentage increase as elected officials.

Be It Enacted by the Legislature of Alabama:

Section 1. Effective immediately upon the passage of this act and each succeeding year thereafter, effective on the first Monday after the second Tuesday of January until their present term of office expires, the following named officials of Madison County may receive up to a seven and one-half percent (7½%) cost of living increase per annum: Tax Collector, Tax Assessor, Sheriff, Probate Judge, Coroner, Board of Education Members, Chairman of the County Commission and County Commissioners. Salaries shall not be adjusted so as to exceed the salaries stipulated in Section 2.

Section 2. Effective at the beginning of the next term of office those elected officials designated in Section 1 shall receive the following salaries per annum:

Tax Collector	$24,500
Tax Assessor	24,500
Sheriff	26,500
Probate Judge	28,500

Coroner	4,800
Board of Education Members	1,800
Chairman, County Commission	28,500
County Commissioners	22,000

Section 3. Effective the first Monday after the second Tuesday of January 1980, the Chairman of the Madison County Commission shall receive an expense allowance of one hundred dollars ($100.00) per month.

Section 4. The provisions of Sections 1, 2 and 3 of this act shall be effective only if all full time Madison County employees and deputy sheriffs that are paid 100% from the general fund of said county have been provided a per annum percentage increase in cost of living equal to the highest percentage increase paid to any elected official designated in Section 1.

Section 5. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are hereby repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

HOUSE AMENDMENT NO. 1 TO SUBSTITUTE FOR S. B. 611

Amend Substitute for S. B. 611 on page 1, line 13 by striking the following: and expense allowance

Further amend Substitute for S. B. 611 on page 2, by striking Section 3 in its entirety and renumbering the following sections and changing language accordingly.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Keener	Proctor	
Bailey	Figures	Lemaster	Smith	
Barron	Glass	Little	Teague	
Britnell	Goodwin	McDonald	Vacca	
Callahan	Gulledge	Mitchem	Weeks	
Clemon	Hall	Parsons	White	
Cook	Holmes			—25

Nays: —0

POINT OF PERSONAL PRIVILEGE

By unanimous consent, Mr. Harrison was granted permission to withdraw his vote from the prevailing side ("Nay") on the motion to concur in the House amendment to the Bill, S. B. 536, on the Twenty-eighth Legislative Day.

Whereupon, the vote on said motion now being a tie vote, Yeas 2, Nays 2, the President and Presiding Officer of the Senate abstained, and the motion to concur in the House amendment to the Bill, S. B. 536, was again lost.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Ford:

H. J. R. 292. CREATING A JOINT INTERIM COMMITTEE TO STUDY THE NEEDS AND NECESSITIES OF OFF-CAMPUS BRANCHES OR CENTERS OF JUNIOR COLLEGES.

WHEREAS, the costs of state funding for off-campus branches and centers of junior colleges have escalated in recent years; and

WHEREAS, much controversy surrounds the extent and areas of duplication of services and curriculum to the communities and taxpayers; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint interim committee to be composed of three members of the House of Representatives and three members of the Senate, appointed by the presiding officer of each house. The chairman and vice chairman of the committee shall be elected at the first meeting by the members of the committee. The committee shall study all facets relating to the costs, curriculum, duplication of curriculum within the community, needs, necessities and any other pertinent matters pertaining to off-campus branches and centers of junior colleges. The committee shall have subpoena powers.

Upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work. The committee shall report its findings, conclusions and recommendations to the legislature not later than the fifth legislative day of the 1980 Regular Session, whereupon the committee shall be dissolved.

Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the legislature, upon warrants drawn on the state comptroller upon requisitions signed by the committee's chairman; provided, however, that members shall not receive additional legislative compensation or per diem when the legislature is in session. The total of such expenses shall not exceed $7500.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Teague, the Rules were suspended and the Resolution, H. J. R. 292, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has received the accompanying message from His Excellency, the Governor, proposing an amendment to the Bill:

H. 736. Relating to Mobile County; to provide that any master plumber, journeyman plumber, plumber apprentice or other person qualified to perform plumbing work under the plumber licensing laws of Alabama shall be exempt from taking any further examination in order to obtain any county or municipal license to do business in such county or municipality.

Said Governor's Message being in words and figures as follows, to-wit:

MESSAGE FROM THE GOVERNOR

To The House of Representatives
State Capitol
Montgomery, Alabama

Ladies and Gentlemen:

I transmit herewith a Message from the Governor concerning House Bill Number 736, without his signature and approval and with a suggested Executive Amendment.

Respectfully submitted,

JAMES E. FOY,
Executive Secretary.

Done this 18th day of July, 1979.

To The House of Representatives
State Capitol
Montgomery, Alabama

Ladies and Gentlemen:

I am returning to you, the Body in which it originated, House Bill Number 736 without my signature and approval and with the following suggested Executive Amendment.

Amend House Bill 736 in Section 1 after the words "such county or municipality" by inserting the following thereafter:

"This bill shall not apply to the City of Mobile."

The adoption of the above and foregoing suggested Executive Amendment will remove my objections to this Bill.

Respectfully,

FOB JAMES,
Governor.

And the House has concurred in and adopted the amendment proposed by His Excellency, the Governor to the Bill, H. B. 736, by a vote of a majority of the whole number elected to the House, said votes being: Yeas 47, Nays 0.

And said Bill, as amended by the Executive Amendment, was again read at length and passed by a vote of a majority of the whole number elected to the House, said vote being: Yeas 50, Nays 0.

And said Bill, H. 736, together with the Executive Amendment, is herewith sent to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE AND GOVERNOR'S MESSAGE

On motion of Mr. Callahan, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, H. B. 736, the title of which and said Executive amendment are set out in the foregoing Message from the House.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Glass	Little	Proctor	
Bailey	Gulledge	Martin	Smith	
Barron	Harrison	Miller	Teague	
Callahan	Holmes	Mitchem	Vacca	
Cook	Keener	Parsons	Weeks	
deGraffenried	Kirkland	Pearson	White	
Figures	Lemaster			—25
Nays:				—0

which was a majority of the whole number elected to the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Hall:

H. J. R. 310. MOURNING THE DEATH OF MRS. MARGHERITA LIGON SWIFT.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Kirkland, the Rules were suspended and the Resolution, H. J. R. 310, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate.

S. 314. To amend Sections 610 and 630 of Act No. 607, S. 33, Regular Session 1977 (Acts 1977, p. 812), the Alabama Criminal Code, so as to further provide and clarify the instances when a person may use deadly physical force in defense of a person and to further provide and clarify the instances when and the amount of force that may be used in making an arrest or preventing an escape.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Robertson, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 314, the title of which is set out in the foregoing Message from the House, to-wit:

HOUSE SUBSTITUTE FOR S. B. 314

A BILL
TO BE ENTITLED
AN ACT

To amend Sections 610 and 630 of Act No. 607, S. 33, Regular Session 1977 (Acts 1977, p. 812), the Alabama Criminal Code, so as to further provide and clarify the instances when a person may use deadly physical force in defense of a person and to further provide and clarify the instances when and the amount of force that may be used in making an arrest or preventing an escape.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 610 and 630 of Act No. 607, S. 33, Regular Session 1977 (Acts 1977, p. 812), the Alabama Criminal Code, are hereby amended to read as follows:

"Section 610. Justification: Use of Force in Defense of a Person.

"(1) Except as provided in subsections (2) and (3), a A person is justified in using physical force upon another person in order to defend himself or a third person from what he reasonably believes to be the use or imminent use of unlawful physical force by that other person, and he may use a degree of force which he reasonably believes to be necessary for the purpose. However, deadly physical force may not be used unless A person may use deadly physical force if the actor reasonably believes that such other person is:

"(a) Using or about to use unlawful deadly physical force; or

"(b) Using or about to use physical force against an occupant of a dwelling while committing or attempting to commit a burglary of such dwelling; or

"(c) Committing or about to commit a kidnapping in any degree, mayhem, assault in the first or second degree, burglary in the first or second any degree, robbery in any degree, forcible rape or forcible sodomy.

"(2) Notwithstanding the provisions of subsection (1), a person is not justified in using deadly physical force upon another person if it reasonably appears or he knows that he can avoid" the necessity of using such force with complete safety:

"(a) By retreating, except that the actor is not required to retreat

"(i) if he is in his dwelling or at his place of work and was not the original aggressor, or (ii) if he is a peace officer or a private person lawfully assisting a peace officer at his direction,. or

"(b) By surrendering possession of property to a person claiming a right thereto, or

"(e) By complying with a demand that he abstain from performing an act which he is not obligated to perform.

"(3) Notwithstanding the provisions of subsection (1), a person is not justified in using physical force if:

"(a) With intent to cause physical injury or death to another person, he provoked the use of unlawful physical force by such other person; or

"(b) He was the initial aggressor, except that his use of physical force upon another person under the circumstances is justifiable if he withdraws from the encounter and effectively communicates to the other person his intent to do so, but the latter nevertheless continues or threatens the use of unlawful physical force; or

"(c) The physical force involved was the product of a combat by agreement not specifically authorized by law.

"Section 630. Justification: Use of Force in Making an Arrest or Preventing an Escape.

"(1) A peace officer is justified in using physical force upon a person being legally arrested or trying illegally to escape when and to the extent that the peace officer reasonably believes it necessary. that degree of physical force which he reasonably believes to be necessary, upon a person in order:

"(a) To make the an arrest for a misdemeanor, violation, or violation of a criminal ordinance, or to prevent the escape from custody of an arrested a person arrested for a misdemeanor, violation, or violation of a criminal ordinance, unless the peace officer knows that the arrest is unauthorized; or

"(b) To defend himself or a third person from what he reasonably believes to be the use or imminent use of physical force while making or attempting to make an arrest for a misdemeanor, violation, or violation of a criminal ordinance, or while, preventing or attempting to prevent an escape from custody of a person who has been legally arrested for a misdemeanor, violation, or violation of a criminal ordinance.

"(2) A peace officer is justified in using deadly physical force upon another person for a purpose specified in subsection (1) only when he reasonably believes it is necessary. when and to the extent that he reasonably believes it necessary in order:

"(a) To make an arrest for a felony or to prevent the escape from custody of a person whom he reasonably believes (i) has committed or attempted to commit a felony involving the use of deadly physical force, or (ii) is attempting to escape by the use of a deadly weapon, or (iii) otherwise indicates that he is likely to endanger human life or to inflict serious physical injury unless apprehended without delay arrested for a felony, unless the officer knows that the arrest is unauthorized; or

"(b) To defend himself or a third person from what he reasonably believes to be the use or imminent use of deadly physical force.

"(3) Nothing in subsections (1)(a), or (2) (a), or (6) (b) constitutes justification for reckless or criminally negligent conduct by a peace officer amounting to an offense against or with respect to persons being arrested or to innocent persons whom he is not seeking to arrest or retain in custody.

"(4) A peace officer who is effecting an arrest pursuant to a warrant is justified in using the physical force prescribed in subsections (1) and (2) unless the warrant is invalid and is known by the officer to be invalid.

"(5) Except as provided in subsection (6), a person who has been directed by a peace officer to assist him to effect an arrest or to prevent an escape from custody is justified in using physical force when and to the extent that he reasonably believes that force to be necessary to carry out the peace officer's direction,. unless he knows or believes or should in the exercise of average reason know that the arrest or prospective arrest is not or was not authorized.

"(6) A person who has been directed to assist a peace officer under circumstances specified in subsection (5) may use deadly physical force to effect an arrest or to prevent an escape only when:

"(a) He reasonably believes that force to be necessary to defend himself or a third person from what he reasonably believes to be the use or imminent use of deadly physical force; or

"(b) He is authorized by the peace officer to use deadly physical force and does not know that the peace officer himself is not authorized to use deadly physical force under the circumstances.

"(7) A private person acting on his own account is justified in using physical force upon another person when and to the extent that he reasonably believes it necessary to effect an arrest or to prevent the escape from custody of an arrested person whom he reasonably believes has committed a felony and who in fact has committed that felony, but he is justified in using deadly physical force for the purpose only when he reasonably believes it necessary to defend himself or a third person from what he reasonably believes to be the use or imminent use of deadly physical force.

"(8) A guard or peace officer employed in a detention facility is justified:

"(a) In using deadly physical force when and to the extent that he reasonably believes it necessary to prevent what he reasonably believes to be the escape of a prisoner accused or convicted of a felony from the maximum security portion of any detention facility, or from armed escort or guard;

"(b) In using physical force, but not deadly physical force, in all other circumstances when and to extent that he reasonably believes it necessary to prevent what he reasonably believes to be the escape of a prisoner from a detention facility.

"(c) 'Detention facility' means any place used for the confinement, pursuant to law, of a person:

"(i) Charged with or convicted of an offense; or

"(ii) Charged with being or adjudicated a youthful offender, a neglected minor or juvenile delinquent; or

"(iii) Held for extradition; or

"(iv) Otherwise confined pursuant to an order of a criminal court."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 18; Nays 0.

Yeas:

Messrs.:	Goodwin	Martin	St. John	
Britnell	Hall	McDonald	Smith	
Clemon	Keener	Miller	Teague	
Denton	Kirkland	Mitchem	White	
Figures	Little	Robertson		—18

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate.

S. 316. To amend Sections 125, 605, 1235, 1245, 2311, 2316, 2610, 2611, 2612, 3203, 3210, 3242, 3243, 4006, 4211, 4540, 4606, 4636, 4637, 4640, 4805, 5005, 5010 and 5530 of Act No. 607, S. 33, Regular Session 1977 (Acts of Alabama, p. 812), as amended, entitled "An Act To provide an entirely new criminal code for the State of Alabama; defining offenses, fixing punishment; repealing numerous specific code sections and statutes that conflict herewith as well as all other laws that conflict with this act," and to repeal Section 112 of said Act No. 607.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Robertson, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 316, the title of which is set out in the foregoing Message from the House, to-wit:

HOUSE AMENDMENT NO. 1 TO COMMITTEE SUBSTITUTE FOR S. B. 316

Amend the Judiciary Committee Substitute for S. B. 316 by deleting in entirety as follows:

On page 11 of said substitute, lines 31 through 37 inclusive, and on page 12 of said substitute, lines 4 through 7 inclusive, to-wit:

(p. 11) "(A) (1) A public servant commits the crime of official misconduct in the first degree if, with intent to obtain a pecuniary benefit for himself or another, or to cause harm to another, he knowingly:

"(a) Commits an act relating to his office but constituting an unauthorized exercise of his official functions; or

(p. 12) "(b) Violates any statute or municipal ordinance relating to his office.

"(2) Official misconduct in the first degree is a Class A misdemeanor.

HOUSE AMENDMENT NO. 2 TO COMMITTEE SUBSTITUTE FOR S. B. 316

Amend the Judiciary Committee Substitute for S. B. 316 by deleting in entirety as follows:

On page 11 of said substitute, line 30, and on page 12 of said substitute, lines 8 through 16 inclusive, to-wit:

(p. 11) "Sec. 4805. Official Misconduct in the First Degree.

(p. 12) "(B) (1) A public servant commits the crime of official misconduct in the second degree if he knowingly:

"(a) Refrains from performing a duty imposed upon him by law or clearly inherent in the nature of his office; or

"(b) Violates any statute or municipal ordinance relating to his office.

"(2) Official misconduct in the second degree is a Class C misdemeanor.

HOUSE SUBSTITUTE FOR S. B. 316

A BILL
TO BE ENTITLED
AN ACT

To amend Sections 125, 605, 1235, 1245, 2311, 2316, 2610, 2611, 2612, 3203, 3210, 3242, 3243, 4006, 4211, 4540, 4606, 4636, 4637, 4640, 4805, 5005, 5010, 5530, 6106, 6110, and 6115 of Act No. 607, S. 33, Regular Session 1977 (Acts 1977, p. 812), as amended, entitled "An Act To provide an entirely new criminal code for the State of Alabama; defining offenses, fixing punishment; repealing numerous specific code sections and statutes that conflict herewith as well as all other laws that conflict with this act," and to repeal Section 112 of said Act No. 607.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 125, 605, 1235, 1245, 2311, 2316, 2610, 2611, 2612, 3203, 3210, 3242, 3243, 4006, 4211, 4540, 4606, 4636, 4637, 4640, 4805, 5005, 5010, 5530, 6106, 6110, and 6115 of Act No. 607, S. 33, Regular Session 1977 (Acts 1977, p. 812), as amended, are amended to read as follows:

"Sec. 125. Other Limitations on Applicability, Method of Prosecution when Conduct Constitutes More Than One Offense.

"(a) (1) Except as otherwise provided herein, the procedure governing the accusation, prosecution, conviction, and punishment of offenders and offenses is not regulated by this act.

"(2) This act does not bar, suspend, or otherwise affect any right or liability to damages, penalty, forfeiture or other remedy authorized by law to be recovered or enforced in a civil action, regardless of whether the conduct involved in the proceeding constitutes an offense defined in this act.

"(b) When the same conduct of a defendant may establish the commission of more than one offense, the defendant may be prosecuted for each such offense. He may not, however, be convicted of more than one offense if:

"(1) One offense is included in the other, as defined in Section 126; or

"(2) one offense consists only of a conspiracy or other form of preparation to commit the other; or

"(3) inconsistent findings of fact are required to establish the commission of the offenses; or

"(4) the offenses differ only in that one is defined to prohibit a designated kind of conduct generally and the other to prohibit a specific instance of such conduct.

"Sec. 605. Justification: Execution of Public Duty.

"Unless inconsistent with other provisions of this chapter, or with some other provision of law, conduct which would otherwise constitute an offense is justifiable and not criminal when it is required or authorized by law or by a judicial decree or is performed by a public servant in the reasonable exercise of his official powers, duties or functions.

"Sec. 1235. Penalties for Habitual Felony Offenders.

"(1) For any felony committed by a defendant after he had been convicted and sentenced for any previously committed felony, the maximum term of imprisonment to which he may be sentenced shall be five years greater than specified in Section 1225(1).

"(2) The provisions of this section are discretionary.

"In all cases when it is shown that a criminal defendant has been previously convicted of any felony and after such conviction has committed another felony, he must be punished as follows:

"(1) On conviction of a Class C felony, he must be punished for a Class B felony;

"(2) On conviction of a Class B felony, he must be punished for a Class A felony; and

"(3) On conviction of a Class A felony, he must be punished by imprisonment for life or for any term of not more than 99 years but not less than 15 years.

"Sec. 1245. Fines for Misdemeanors and Violations.

"(1) A sentence to pay a fine for a misdemeanor shall be for a definite amount, fixed by the court, within the following limitations:

"(a) For a Class A misdemeanor, not more than $2,000.

"(b) For a Class B misdemeanor, not more than $1,000.

"(c) For a Class C misdemeanor, not more than $500

"(d) Any amount not exceeding double the pecuniary gain to the defendant or loss to the victim caused by the commission of the offense.

"(2) A sentence to pay a fine for a violation shall be for a definite amount, fixed by the court, not to exceed $200.00, or any amount not exceeding double the pecuniary gain to the defendant or loss to the victim caused by the commission of the offense.

"(3) If a defendant has gained money or property or caused a loss to the victim through the commission of any misdemeanor or violation, then the court in lieu of imposing a fine authorized under one of the above subsections, may sentence the defendant to pay an amount not exceeding double the amount of the gain or loss. In that event the provisions of § 1240(2) and (3) apply.

"(3) As used in this section, 'gain' means the amount of money or the value of property derived from the commission of the crime, less the amount of money or the value of property returned to the victim of the crime or seized or surrendered to lawful authority prior to the time sentence is imposed. 'Value' shall be determined by the standards established in § 3280 (14).

"(4) The court may conduct a hearing upon the issue of defendant's gain or the victim's loss from the crime according to procedures established by rule of court.

"Sec. 2311. Rape in the Second Degree.

"(1) A male commits the crime of rape in the second degree if:

"(a) Being 16 years old or older, he engages in sexual intercourse with a female less than 16 and more than 12 years old, provided, however, the actor is at least two years older than the female.

"(b) He engages in sexual intercourse with a female who is incapable of consent by reason of being mentally defective.

"(e) A person does not commit a crime under section 2311 if he does not know or has no reason to believe the female to be less than 16 years of age or to be mentally defective. The burden of injecting this defense is on the defendant, but this does not shift the burden of proof.

"(2) Rape in the second degree is a Class C felony.

"Sec. 2316. Sodomy in the Second Degree.

"(1) A person commits the crime of sodomy in the second degree if:

"(a) He, being 16 years old or older, engages in deviate sexual intercourse with another person less than 16 years and more than 12 years old.

"(b) He engages in deviate sexual intercourse with a person who is incapable of consent by reason of being mentally defective.

"(2) Sodomy in the second degree is a Class C felony.

"(3) The offense described in this section is mitigated to the Class A misdemeanor of sexual misconduct if the defendant does not know or has no reason to believe the other person to be less than 16 years of age or mentally defective. The burden of injecting this defense is on the defendant, but this does not shift the burden of proof.

"Sec. 2610. Burglary in the First Degree.

"(1) A person commits the crime of burglary in the first degree if he knowingly and unlawfully enters or remains unlawfully in a dwelling with intent to commit theft or felony a crime therein, and, if, in effecting entry or while in the dwelling or in immediate flight therefrom, he or another participant in the crime:

"(a) Is armed with explosives or a deadly weapon; or

"(b) Causes physical injury to any person who is not a participant in the crime; or

"(c) Causes or threatens immediate physical injury by use Uses or threatens the immediate use of a dangerous instrument.

"(2) Burglary in the first degree is a Class A felony.

"Sec. 2611. Burglary in the second degree.

"(a) A person commits the crime of burglary in the second degree if he knowingly enters or remains unlawfully in a building with intent to commit theft or a felony therein and, if in effecting entry or while in the building or in immediate flight therefrom, he or another participant in the crime:

"(1) Is armed with explosives or a deadly weapon; or

"(2) Causes physical injury to any person who is not a participant in the crime; or

"(3) Causes or threatens immediate physical injury by Uses or threatens the immediate use of a dangerous instrument.

"(b) In the alternative to subsection (a) of this section, a person commits the crime of burglary in the second degree if he unlawfully enters a lawfully occupied dwellinghouse with intent to commit a theft or a felony therein.

"(c) Burglary in the second degree in a Class B felony.

"Sec. 2612. Burglary in the Third Degree.

"(1) A person commits the crime of burglary in the third degree if he knowingly enters or remains unlawfully in a building with intent to commit a crime therein involving violence to a person or less or destruction of property.

"(2) Burglary in the third degree is a Class -A- misdemeanor C felony.

"Sec. 3203. Theft of property in the second degree.

"(a) The theft of property which exceeds $100.00 in value but does not exceed $1,000.00 in value, and which is not taken from the person of another, constitutes theft of property in the second degree.

"(b) Theft of property in the second degree is a Class C felony.

"(c) The theft of a credit card or a debit card, regardless of its value, constitutes theft of proeprty in the second degree.

"(d) The theft of a firearm, rifle or shotgun, regardless of its value, constitutes theft of property in the second degree.

"(e) The theft of property which exceeds $25.00 in value, and which is taken from or in a building where said property is sold or stored, constitutes theft of property in the second degree.

"(f) The theft of any substance controlled by the Alabama Controlled Substance Act of 1971, or any amendments thereto, regardless of value, constitutes theft of property in the second degree.

"(g) The theft of any livestock which includes cattle, swine, horses, mules, asses, or sheep, regardless of their value, constitutes theft of property in the second degree.

"Sec. 3210. Theft of Services: Definition.

"(1) A person commits the crime of theft of services if:

"(a) He intentionally obtains services known by him to be available only for compensation by deception, threat, false token or other means to avoid payment for the services; or

"(b) Having control over the disposition of services of others to which he is not entitled, he knowingly diverts those services to his own benefit or to the benefit of another not entitled thereto.

"(2) 'Services' includes but is not necessarily limited to labor, professional services, transportation, telephone or other public services, accommodation in motels, hotels, restaurants or elsewhere, admission to exhibitions, computer services, and the supplying of equipment for use.

"(3) Where compensation for services is ordinarily paid immediately upon the rendering of them, as in the case of motels, hotels, restaurants and the like, absconding without payment or bona fide offer to pay is prima facie evidence under subsection (1) that the services were obtained by deception.

"(4) If services are obtained under subparagraph (1) (a) from a hotel, motel, inn, restaurant or cafe, no prosecution can be maintained commenced after 120 days from the time of the offense.

"(5) Theft of services is a Class A misdemeanor.

"Sec. 3242. Receiving Stolen Property in the Second Degree.

"(1) Receiving stolen property:

"(a) Which exceeds $250 $100 in value but does not exceed $1,000 in value; or

"(b) Of any value under the circumstances described in § 3240 (2) (b); constitutes receiving stolen property in the second degree.

"(2) Receiving stolen property in the second degree is a Class C felony.

"Sec. 3243. Receiving Stolen Property in the Third degree.

"(1) Receiving stolen property which does not exceed $250 $100 in value constitutes receiving stolen property in the third degree.

"(2) Receiving stolen property in the third degree is a Class A misdmeanor misdemeanor.

"Sec. 4006. Forgery in the Second Degree.

"(1) A person commits the crime of forgery in the second degree if, with intent to defraud, he falsely makes, completes or alters a written instrument which is or purports to be, or which is calculated to become or to represent if completed:

"(a) A deed, will, codicil, contract, assignment, or a check, draft, note or other commercial instrument which does or may evidence, create, transfer, terminate or otherwise affect a legal right, interest, obligation or status; or

"(b) A public record, or an instrument filed or required or authorized by law to be filed in a public office or with a public employee; or

"(c) A written instrument officially issued or created by a public office, public employees or government agency.

"(2) Forgery in the second degree is a Class C felony.

"Sec. 4211. Sports Bribery.

"(1) A person commits the crime of sports bribery if he:

"(a) Confers, or offers or agrees to confer any benefit upon a sports participant in return for an agreement from him with intent to influence him not to give his best efforts in a sports contest; or

"(b) Confers, or offers or agrees to confer any benefit upon a sports official in return for an agreement from him to perform his duties improperly.

"(2) Sports bribery is a Class A misdemeanor.

"Sec. 4540. False Reporting to Law Enforcement Authorities.

"(1) A person commits the crime of false reporting to law enforcement authorities if he knowingly (and without coercion by law enforcement authorities to make any report) makes a false report or causes the transmission of a false report to law enforcement authorities of a crime or relating to a crime.

"(2) False reporting to law enforcement authorities is a Class A misdemeanor.

"Sec. 4606. Escape in the First Degree.

"(1) A person commits the crime of escape in the first degree if he inflicts physical injury, threatens serious physical injury, or uses a deadly weapon, in escaping or attempting to escape from custody or from a penal facility.

"(1) A person commits the crime of escape in the first degree if:

"(a) He employs physical force, a threat of physical force, a deadly weapon or a dangerous instrument in escaping or attempting to escape from custody; or

"(b) Having been convicted of a felony, he escapes or attempts to escape from custody imposed pursuant to that conviction; or

"(c) He escapes or attempts to escape from a penal facility.

"(2) Escape in the first degree is a Class B felony.

"Sec. 4636. Hindering prosecution in the First Degree.

"(1) A person commits the crime of hindering prosecution in the first degree if with the intent to hinder the apprehension, prosecution, conviction or punishment of anyone except his spouse, parent, child or sibling another for conduct constituting a murder or a Class A or B felony, he renders criminal assistance to such person.

"(2) Hindering prosecution in the first degree is a Class C felony.

"Sec. 4637. Hindering Prosecution in the Second Degree.

"(1) A person commits the crime of hindering prosecution in the second degree if with the intent to hinder the apprehension, prosecution, conviction or punishment of anyone except his spouse, parent, child or sibling another for conduct constituting a Class C felony or a Class A misdemeanor, he renders criminal assistance to such person.

"(2) Hindering prosecution in the second degree is a Class A misdemeanor.

"Sec. 4640. Hindering Apprehension of Escape.

"(1) A person commits the crime of hindering the apprehension of an escape if, with the intent to hinder the apprehension of a person other than his spouse, parent, child or sibling known to have escaped from a detention facility, he renders criminal assistance to such person.

"(2) Hindering apprehension of an escapee is a Class A misdemeanor.

"Sec. 4805. Official Misconduct in the First Degree.

"(A) (1) A public servant commits the crime of official misconduct in the first degree if, with intent to obtain a pecuniary benefit for himself or another, or to cause harm to another, he knowingly:

"(a) Commits an act relating to his office but constituting an unauthorized exercise of his official functions; or

"(b) Violates any statute or municipal ordinance relating to his office.

"(2) Official misconduct in the first degree is a Class A misdemeanor.

"(B) (1) A public servant commits the crime of official misconduct in the second degree if he knowingly:

"(a) Refrains from performing a duty imposed upon him by law or clearly inherent in the nature of his office; or

"(b) Violates any statute or municipal ordinance relating to his office.

"(2) Official misconduct in the second degree is a Class C misdemeanor.

"Sec. 5005. Bribing a Witness.

"(1) A person commits the crime of bribing a witness if he offers, confers or agrees to confer any pecuniary benefit thing of value upon a witness or a person he believes will be called as a witness in any official proceeding with intent to:

"(a) Corruptly influence the testimony of that person;

"(b) Induce that person to avoid legal process summoning him to testify; or

"(c) Induce that person to absent himself from an official proceeding to which he has been legally summoned.

"(2) This seciton does not apply to the payment of additional compensation to an expert witness over and above the amount otherwise prescribed by law to be paid a witness.

"(3) Bribing a witness is a Class C felony.

"Sec. 5010. Bribe Receiving by a Witness.

"(1) A witness or a person believing he will be called as a witness in any official proceeding commits the crime of bribe receiving by a witness if he solicits, accepts or agrees to accept any pecuniary benefit thing of value upon an agreement or understanding that:

"(a) His testimony will thereby be corruptly influenced;

"(b) He will attempt to avoid legal process summoning him to testify; or

"(c) He will attempt to absent himself from an official proceeding to which he has been legally summoned.

"(2) This section does not apply to the payment of additional compensation to an expert witness over and above the amount otherwise prescribed by law to be paid to a witness.

"(3) Bribe receiving by a witness is a Class C felony.

"Sec. 5530. Harassment.

"(1) A person commits the crime of harassment if, with intent to harass, annoy or alarm another person, he:

"(a) Strikes, shoves, kicks or otherwise touches a person or subjects him to physical contact; or

"(b) Directs abusive or obscene language or makes an obscene gesture towards another person.

"(2) Harassment is a Class C misdemeanor.

"Section 6106. Promoting Gambling.

"(1) A person commits the crime of promoting gambling if he knowingly advances or profits from unlawful gambling activity otherwise than as a player.

"(2) Promoting gambling is a Class C felony A misdemeanor.

"Section 6110. Conspiracy to Promote Gambling.

"(1) A person commits the crime of conspiracy to promote gambling if he conspires to advance or profit from gambling activity otherwise than as a player.

"(2) 'Conspire' means to engage in activity constituting a criminal conspiracy as defined in Section 1015.

"(3) Conspiracy to promote gambling is a Class C felony A misdemeanor.

"Section 6115. Possession of Gambling Records in the First Degree.

"(1) A person commits the crime of possession of gambling records in the first degree if with knowledge of the contents thereof, he possesses any writing, paper, instrument or article:

"(a) Of a kind commonly used in the operation or promotion of a bookmaking scheme or enterprise, and constitution, reflecting or representing more than five bets, or more than $500; or

"(b) Of a kind commonly used in the operation, promotion or playing of a lottery or mutuel scheme or enterprise, and constituting, reflecting or representing more than five plays or chances therein.

"(2) Possession of gambling records in the first degree is a Class C felony A misdemeanor."

Section 2. Section 112 of said Act No. 607, S. 33, Regular Session 1977, is repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 20; Nays 0.

Yeas:

Messrs.:	Cook	Figures	Harrison
Britnell	deGraffenried	Goodwin	Lemaster
Clemon	Denton	Hall	Little

Martin	Mitchem	St. John	Teague	
McDonald	Robertson	Smith	White	
Miller				—20

Nays: —0

FURTHER CONSIDERATION OF H. J. R. 274

The Senate proceeded to further consideration of the Resolution, H. J. R. 274, and pending Committee amendment.

On motion of Mr. McDonald, said amendment was laid on the table.

Mr. McDonald then offered the following amendment to the Resolution, to-wit:

AMENDMENT TO H. J. R. 274

Amend H. J. R. 274 Page 2 Line 36, by striking out the figure "$20,000.00" and inserting the figure "$12,000.00"

Which was adopted.

And on motion of Mr. McDonald, said Resolution, H. J. R. 274, as thus amended, was then concurred in and adopted by the Senate.

Yeas 9; Nays 8.

Yeas:

Messrs.:	Goodwin	St. John	Teague	
Cook	Keener	Smith	Weeks	
Figures	McDonald			—9

Nays:

Messrs.:	Denton	Holmes	Parsons	
Bailey	Hall	Little	Robertson	
deGraffenried				—8

(The President and Presiding Officer of the Senate declared a quorum present but not voting.)

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate.

S. 625. Relating to Franklin County; providing further for the distribution of the payments made in lieu of ad valorem taxes by the Tennessee Valley Authority as authorized by Section 40-28-2, Code of Alabama 1975.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Britnell, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 625, the title of which is set out in the foregoing Message from the House, to-wit:

HOUSE SUBSTITUTE FOR S. B. 625

A BILL
TO BE ENTITLED
AN ACT

Relating to Franklin County; providing further for the distribution of the payments made in lieu of ad valorem taxes by the Tennessee Valley Authority as authorized by Section 40-28-2, Code of Alabama 1975.

Be It Enacted by the Legislature of Alabama:

Section 1. In Franklin County, the payments made to the county commission as authorized in Section 40-28-2, Code of Alabama 1975, shall be distributed by the said county commission as follows: (1) Each local government will first receive the same amount of funds which it received from the Alcoholic Beverage Control Board during the fiscal year ending September 30, 1979, provided however, that in any fiscal year after the fiscal year ending September 30, 1979 that the total Tennessee Valley Authority payments in lieu of taxes distributed to Franklin County by the state is in an amount less than the amount that all levels of government in Franklin County received from the Alcoholic Beverage Control Board in the fiscal year ending September 30, 1979, each local government shall receive an amount of Tennessee Valley Authority funds which shall be in the same proportion that all levels of government in Franklin County received in Alcoholic Beverage Control Board funds in the fiscal year ending September 30, 1979.

(2) Any funds distributed to Franklin County by the State of Alabama as payments in lieu of taxes from the Tennessee Valley Authority in any fiscal year which are in excess of the amount which all levels of government in Franklin County received from the Alcoholic Beverage Control Board in the fiscal year ending September 30, 1979 shall be distributed as follows: 40% of such payments shall be disbursed on the same formula as school funds according to the state department of education's "Current Expense Ratio" are apportioned to the Franklin County Board of Education and the Russellville City Board of Education; 60% of said payments shall be distributed to the county general fund and on a pro rata basis to the general funds of the City of Russellville, the City of Phil Campbell, the City of Red Bay, the City of Vina, and the City of Hodges, with each city receiving the amount that its population, according to the latest federal census, bears to the entire population of the county, and the general fund of the Franklin County Commission receiving the amount that the population of the county outside the cities bears to the entire population of the county, according to the latest federal census.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Goodwin	Miller	St. John	
Bailey	Hall	Mitchem	Smith	
Britnell	Holmes	Parsons	Teague	
Clemon	Keener	Pearson	Vacca	
Cook	Kirkland	Proctor	Weeks	
Denton	Little	Robertson	White	
Glass	Martin			—25

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Smith (M), Mitchell, Clark, Gafford, Venable, Zoghby, Ward, Cosby, Grouby, Starkey, Manley and Harrison:

H. J. R. 308. EXTENDING THE PROVISIONS OF ACT NO. 79-54, H. J. R. 3, OF THE FIRST SPECIAL SESSION OF 1979, WHICH CREATED A JOINT INTERIM COMMITTEE OF THE LEGISLATURE TO STUDY A NEW STATE CONSTITUTION.

WHEREAS, the Senate of Alabama passed S. B. 40 with over 90 amendments and the members of the House of Representatives have studied this document for a few weeks; and

WHEREAS, the Governor of the State, the House of Representatives and the Senate of Alabama have indicated there is a need for some revision of the Constitution of 1901, but the extent and approach and areas for revision are not in agreement; and

WHEREAS, the Legislature of Alabama desires to produce a proposal for the best constitutional document possible to the people for their ratification; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That all of the provisions of act No. 79-54, H. J. R. 3, of the First Special Session of 1979, establishing a Joint Interim Committee of the Legislature to study a new state Constitution, are hereby extended until the beginning of the 1980 Regular Session unless otherwise extended or dissolved.

BE IT FURTHER RESOLVED, That the provisions for compensation and expenses shall apply only when the Legislature is not in session and shall be payable from funds appropriated to the use of the Legislature.

HOUSE MESSAGE

The Resolution, H. J. R. 308, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 559. Relating to controlled substances; establishing the Controlled Substances Therapeutic Research Act; providing for the limited distribution of cannabis (also known as "marijuana"), and certain of its derivatives, to qualified patients for defined therapeutic and research purposes; prescribing the qualifications and standards and the procedure for implementation; authorizing the state board of medical examiners to create a review committee; prescribing the membership of such committee; requiring certain reporting and accountability from the committee, the physician and the state board

of medical examiners; restricting the distribution and the use of the drug to alleviate the nausea and other ill-effects of cancer chemotherapy, and additionally, the ill-effects of glaucoma under strictly controlled circumstances; further defining controlled substances, Schedules I and II; providing for cooperation with and authorization to contract with federal agencies for the implementation of the program; and prescribing penalties for violating the provisions of this act.

Also:

S. 54. To authorize the legislature of the State of Alabama to control the usage of certain portions of streets, parking lots and grounds in or near the state capitol complex in the City of Montgomery; and to direct the Chief of Services of the Division of Services to work in cooperation with the legislature as herein provided.

Also:

S. 258. To amend extensively the "Sunset Act of 1976", in particular: Sections 40-20-2 through 40-20-5 and 40-20-10 through 40-20-14 of the Code of Alabama, 1975, as amended, so as to further define and provide for the termination and review of certain agencies regulating occupations and professions; to eliminate numerous agencies from the purview of the provisions of this act with the option of the Sunset Committee to call and schedule agencies for review; to prescribe that the agencies designated herein shall terminate on a date certain unless each house passes by a majority vote a bill for an act to continue, modify or reestablish the agency; to allow the committee flexibility in its recommendations for the agency under consideration; to reconstitute the membership of the Sunset Committee and to provide for the chairman to be elected from among the membership; to remove certain ex officio members and to add others to the committee; to provide that an agency not voted on by sine die of the legislature in the regular session preceding its scheduled termination shall be terminated and its only allowable function shall be to wind up its affairs; to provide for any licenses issued with expiration dates beyond that of the life of an agency; and to provide the circumstances under which penalties for engaging in professional or occupational activities, when the regulatory agency therefor has been abolished, shall be non-enforceable.

Also:

S. 639. Relating to Jackson County; to provide for the distribution of funds received by the county from payments in lieu of taxes made by the Tennessee Valley Authority.

Also:

S. 627. To amend Section 41-16-50 of the Code of Alabama, 1975, relating to awarding certain public contracts involving $2,000 or more, so as to further provide for circumstances under which the contract may be awarded to other than the lowest bidder; and to make the provisions of the act retroactive.

JOHN W. PEMBERTON,
Clerk.

BILLS ON THIRD READING

The Bill:

H. 38. To amend Sections 30-2-31, 30-2-50, 30-2-51, 30-2-52 and 30-2-54 and to repeal Section 30-2-53, Code of Alabama 1975, each of which

relates to divorce and alimony proceedings, so as to authorize the courts to make an allowance for the support of either spouse out of the estate of the other; to consider the misconduct of either spouse in determining the amount of such allowance and to award attorneys' fees in such proceedings.

was taken up by unanimous consent.

The Standing Committee on Judiciary reported the following substitute for the Bill, H. B. 38, to-wit:

COMMITTEE SUBSTITUTE FOR HOUSE BILL 38

A BILL
TO BE ENTITLED
AN ACT

To amend Sections 30-2-31, 30-2-50, 30-2-51, 30-2-52 and 30-2-54 and to repeal Section 30-2-53, Code of Alabama 1975, each of which relates to divorce and alimony proceedings, so as to authorize the courts to make an allowance for the support of either spouse out of the estate of the other; to consider the misconduct of either spouse in determining the amount of such allowance and to award attorneys' fees in such proceedings.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 30-2-31, 30-2-50, 30-2-51, 30-2-52 and 30-2-54 of the Code of Alabama 1975 are hereby amended to read as follows:

"§ 30-2-31. The proceedings in such cases are the same in all respects, and the court has the same power to make an allowance to the wife either spouse out of the estate of the husband other spouse and provide for the custody and education of the children of the marraige, as provided in this Code for divorces from the bonds of matrimony.

"§ 30-2-50. Pending an action for divorce, the court may make an allowance for the support of the wife either spouse out of the estate of the husband other spouse, suitable to his the spouse's estate and the condition in life of the parties, for a period of time not longer than necessary for the prosecution of her the complaint for divorce.

"§ 30-2-51. If the wife either spouse has no separate estate or if it be insufficient for her the maintenance of such spouse, the judge, upon granting a divorce, at his discretion, may order to the wife such spouse an allowance out of the estate of the husband other spouse, taking into consideration the value thereof and the condition of his the spouse's family; provided, however, that the judge may not take into consideration any property acquired prior to the marriage of the parties or by inheritance or gift.

"§ 30-2-52. If the divorce is in favor of the wife either spouse for the misconduct of the husband other spouse, the judge trying the case shall have the right to make an allowance to the wife either spouse out of the husband's estate of either spouse, or not make her an allowance as the circumstances of the case may justify, and if an allowance is made, it must be as liberal as the estate of the husband will permit, regard being had to the condition of his family and to all the circumstances of the case. the misconduct of either spouse may be considered in determining the amount; provided, however, that any property acquired prior to the marriage of the parties or by inheritance or gift may not be considered in determining the amount.

"§ 30-2-54. In all actions for divorce or for the recovery of alimony, maintenance or support in which a judgment of divorce has been issued or is pending and a contempt of court citation has been made by the court against either party, the court may, of its discretion, upon application therefor, award a reasonable sum as fees or compensation of the attorney or attorneys representing both parties."

Section 2. Section 30-2-53 of the Code of Alabama 1975 is hereby expressly repealed.

Section 3. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Hall	McDonald	Smith	
Clemon	Keener	Miller	Teague	
Cook	Kirkland	Mitchem	Vacca	
deGraffenried	Lemaster	Robertson	Weeks	
Denton	Little	St. John	White	
Goodwin	Martin			—21

Nays: —0

Mr. Keener offered the following amendment to the Bill, H. B. 38, as amended by the substitute, to-wit:

AMENDMENT TO H. B. 38 AS AMENDED

Amend House Bill No. 38 as substituted by Senate Judiciary Committee, page 2, line 20, by striking out the period after the word "gift" and adding immediately after the word "gift" the following:

"unless the trial judge finds from the evidence that such property, or income produced by such property, has been used regularly for the common benefit of the parties during their marriage."

Which was adopted.

Yeas 18; Nays 2.

Yeas:

Messrs.:	Goodwin	Lemaster	Mitchem	
Bailey	Gulledge	Little	Smith	
Clemon	Hall	Martin	Vacca	
deGraffenried	Keener	McDonald	White	
Denton	Kirkland	Miller		—18

Nays: Messrs.: St. John, Teague. —2

And said Bill, H. B. 38, as thus amended was read a third time at length and passed.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Hall	Little	Smith
deGraffenried	Harrison	Martin	Teague
Denton	Keener	McDonald	Vacca
Goodwin	Kirkland	Parsons	Weeks
Gulledge	Lemaster	St. John	White

—19

Nays: —0

Mr. Clemon moved that the Senate reconsider the vote by which the Bill, H. B. 38, as amended, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 148. RESOLVED BY THE SENATE That the following business in the order named be special and paramount order of business upon reaching bills on 3rd reading for the 29th Legislative Day.

H. B. 56	15	Reg of births
H. B. 38	11	Divorce and alimony proceedings
H. B. 18	16	Taxation for corp. shares of stock
H. B. 528	31	Transient Occupancy Tax
H. B. 157	3	"Real Estate Recovery Fund"
H. B. 17	13	Cosmetology
H. B. 239	13	Teachers' Retirement System of Alabama
H. B. 337	8	Alabama Alcoholic Control Board
H. B. 567	54	Alabama Alcoholic Control Board
H. B. 360	20	State commission on physical fitness
H. B. 987	56	Local boards of education
H. B. 151	37	Create add. judgeship for the tenth Jud. Circuit
H. B. 241	12	Alcoholic beverage control board
H. B. 577	14	Alabama Inst. for Deaf and Blind
H. B. 148	57	Increase rate of tax
H. B. 573	9	Alabama Securities Act
H. B. 331	7	Relating to elections
H. B. 814	39	Indemnify the commissioner of the board of corrections
H. B. 722	33	Further provide for allocation to the nursing programs at the George C. Wallace Comm. College

H. B. 327	6	Public warehouses
H. B. 317	18	Swine diseases
H. B. 685	19	Prohibit firearm
H. B. 674	35	Univ. of Alabama in B'ham, School of Opt. approp.
H. B. 508	6	Branding of livestock
H. B. 562	42	Solid waste disposal
H. B. 381	32	State income tax deductions
H. B. 55	11	Excise tax on gasoline
H. B. 495	41	Amendment to Constitution
H. B. 427	21	Automotive dismantlers
H. B. 758	21	To ratify the act. of cities or towns in awarding and proceeding under cont. for imp.
H. B. 294	34	To increase A. B. C. Board approp. in Admn. serv.
H. B. 446	40	Fire fighters
H. B. 256	18	State off. and emp. payroll ded. for cert. contributions
H. B. 403	45	Creates a Driver License Medical Adv. Bd.
H. B. 298	40	LaGrange Historical Site
H. B. 486	29	Establish forest fire fund
H. B. 378	15	Increase cost of resident fishing
H. B. 846	30	Int. bearing tax warrants
H. B. 451	22	Oil and gas drilling units and oil and gas pools
H. B. 459	59	Small loan companies
H. B. 452	23	To inc. other "interest" within "tracts" in unit. orders
H. B. 453	22	Oil and gas drilling
H. B. 318	36	Prior serv. credit for ben. of supernumerary circuit clerks and registers
H. B. 283	19	Determination of location of trade schools and junior colleges
H. B. 454	24	Redefinition of the word "oil"
H. B. 71	4	Commissioner of Agri. and Ind.
H. B. 501	41	Nuclear powered electric gen. fac.
H. B. 247	27	County board of ed. appt. and dis.
H. B. 792	53	Expense allowance for state employees

H. B. 248	28	County board of education
H. B. 4	35	State nurseries
H. B. 361	28	Retired law enf. officer
H. B. 281	28	School off. to est. safety proc.
H. B. 574	42	Governor's councillor
H. B. 264	5	Superintendent of banks
H. B. 357	6	Relating to seafoods
H. B. 122	30	Est. Forest Study Committee
H. B. 417	19	Boards of Education
H. B. 53	5	Exempts cert. persons from motor veh. lic. taxes and reg. fees
H. B. 587	56	Record any inst. conveying real estate or any int. therein
H. B. 575	42	State Dept. of Pensions and Security
H. B. 551	41	Dept. of Pensions and Security
H. B. 469	28	Child custody proceedings
H. B. 803	43	Tannehill Furnace and Foundry Commission

And said Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Gafford, Biddle and McMillan:

H. J. R. 250. URGING THE LEGISLATURE TO ARRIVE AT A WAY TO FUND THE HIGHWAY PROGRAM AND REACTIVATING THE COMMITTEE TO STUDY THE TAX STRUCTURE OF THE STATE OF ALABAMA AND THE DISTRIBUTION OF TAX REVENUES CREATED BY ACT NO. 1178, H. J. R. 430 OF THE 1975 REGULAR SESSION AND MAKING SAID INTERIM STUDY COMMITTEE A CONTINUING COMMITTEE.

WHEREAS, the Legislature is urged to arrive at a way to fund the highway program of this state before the situation becomes critical and before the roads in Alabama fall into total disrepair due to lack of maintenance; and

WHEREAS, funds for road, bridge and highway projects under construction must be obtained for the continuation and completion of such projects; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the provisions of Act No. 1178, H. J. R. 430 of the 1975 Regular Session, creating the interim committee to

study the tax structure of the state of Alabama and the distribution of tax revenues is hereby reactivated and said committee shall be a continuing committee to study funding needs and the distribution of tax revenues of the State of Alabama.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 250, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 301. PROVIDING A COMMON DATE FOR HOLDING ELECTIONS ON ALL CONSTITUTIONAL AMENDMENTS PROPOSED AT THE 1979 REGULAR SESSION OF THE LEGISLATURE WHEN A DATE NOT OTHERWISE SPECIFIED.

On motion of Mr. White, said Resolution was then concurred in and adopted by the Senate.

RECESS

At 1 o'clock P.M., on motion of Mr. Goodwin, the Senate took a recess until 1:45 P.M.

The recess having expired, the Senate was called to order by Lieutenant Governor McMillan. A quorum of the Senate was present.

REPORTS OF COMMITTEES

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Roberts, Whatley, Carter and Patton:

H. 130. To provide distinctive auto tags for members of volunteer fire departments for use on their private autos.

By Reps. Patton, Roberts, Letson and Harvey:

H. 290. To repeal Section 11-51-99, Code of Alabama, 1975, which limits the amount of license a municipality may levy on vending and weighing machines.

By Reps. Lewis and Howard:

H. 561. To make unlawful the obtaining or attempting to obtain public housing accommodations by means of false statement or other fraudulent scheme or device; to define "Public Housing"; to require notice of the act on applications for public housing accommodations; and to prescribe punishment for violation.

By Rep. Hall:

H. 926. Authorizing the county commission, or like governing body, of any county to borrow the necessary funds to operate the said county in the event the tax collector is unable to collect taxes; providing when such loans may be made, for the issuance of certificates covering such loans and for the pledge of uncollected taxes to pay such loans; prescribing the maximum interest rates applicable to such loans and the dates on which such loans would be payable; limiting the use of the proceeds of such loans; providing for the registration, payment, cancellation and exemption from taxation of such certificates; requiring each such county to comply with the debt limitation of Amendment 342 to the Constitution of 1901, as amended; and repealing conflicting laws.

By Rep. Adams (C):

H. 975. To provide that county commissions may meet on the same day of the following week if the regular meeting day falls on a legal public holiday.

By Rep. Riddick, et al:

H. 1045. To amend Sections 40-28-1 through 40-28-3, Code of Alabama 1975, which provide for the distribution of in-lieu-of-taxes payments by the Tennessee Valley Authority to counties served by the Tennessee Valley Authority and to dry counties not served by the Tennessee Valley Authority, so as to provide further for said distribution.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Reps. Stout, Gafford and Rains (With Amendment):

H. 205. To amend the Code of Alabama 1975, relative to the time and place of holding primary elections, canvassing, reporting and declaring results, and filing contests.

Mr. White, Chairman of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Sandusky:

H. 823. This bill creates the Alabama Health Care Responsibility Act; providing legislative intent, providing definitions; providing that ultimate financial responsibility for the cost of treatment of a patient certified to be indigent, who is a resident of one county but receives services from a hospital in another county, shall be placed with the county of which the patient is a resident; providing limitations on such responsibility; providing that the Department of Pensions and Security shall adopt rules for certifying patients as indigent; requiring hospitals to admit certified indigents under certain conditions; providing that disputes between hospitals and counties shall be resolved by action in the circuit court of the county in which the regional referral hospital is located and providing an effective date.

By Rep. Waggoner:

H. 556. To amend Title 11, Section 11-58-1, Code of Alabama 1975.

By Rep. Carothers:

H. 138. To amend Section 22-21-20, Code of Alabama, 1975, which relates to the Licensing of Hospitals, Nursing Homes and other Health Care Institutions so as to include other types of services that are now being provided the citizens. This amendment will expand the definitions to include new institutional care and services.

Mr. Bailey, Chairman of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Rep. Kelley (With Amendment):

H. 628. To require that group, individual, or blanket hospital or medical expense insurance policies or hospital or medical service contracts issued for delivery in this State which include mental health services in the terms of the policies or contracts shall include reimbursement for services rendered by a duly qualified certified social worker of this State notwithstanding any provisions of the policies or contracts to the contrary.

Mr. Vacca, Chairman of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Rep. Boles (with notice and proof) (With Amendment):

H. 432. To amend Title 12, Chapter 19, Section 92 of the Code of Alabama 1975, so as to revise and establish fees and allowances paid to constables in Jefferson County; to repeal conflicting statutes of provisions thereof; to provide for an effective date.

Mr. Vacca, Chairman of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Waggoner (with notice and proof):

H. 377. To amend Section 11-50-313 of the Code of Alabama 1975, relating to boards of directors of public corporations created by municipalities for the purpose of owning, operating, and financing water, sewer, gas, and electric systems, so as to further provide for payment of compensation to the chairman and other members of the board of any such public corporation created in any city located in Jefferson County.

By Rep. Cabaniss, et al (with notice and proof):

H. 1003. To amend Section 4.04 of Act No. 452, Regular Session of the Legislature of Alabama of 1955, approved September 9, 1955 (Acts of 1955, Page 1004), as amended, providing a Mayor-Council form of government for cities having a population of 300,000 inhabitants or more according to the last or any subsequent Federal Census, to provide the method for determining the annual salary to be paid to the Mayor of such City.

By Rep. Hilliard (with notice and proof):

H. 1015. Relating to Jefferson County; to provide that members of the city board of education of Birmingham in Jefferson County are to be appointed, from nine districts within said city to be set and defined by the city council of Birmingham.

By Reps. Waggoner and Gafford (with notice and proof):

H. 838. To provide a supplemental salary for the circuit clerk and the elected deputy circuit clerk who serves the Bessemer cut-off of the tenth Judicial Circuit of Jefferson County.

By Rep. Waggoner (with notice and proof):

H. 974. To levy a license tax in all counties in this State of 600,000 population or more according to the last or any succeeding federal census, on persons engaged in selling alcoholic, spirituous, vinous, or fermented liquor at retail and to fix the rate or amount of such tax in the following amounts: Whiskey, gin, brandy, rum, vodka, cocktails, and all other alcoholic beverages except malt beverages, wines and other fermented beverages, sold, distributed, delivered, stored, or taken out of storage within the county, on each bottle or container of two (2) ounces or less, ten (10) cents; on each bottle or container of more than two (2) ounces and not more than one-half pint, twenty-five (25) cents; on each bottle or container of more than one-half pint and not more than one pint one dollar ($1.00); on each bottle or container of more than one pint and not more than one-fifth of a gallon one dollar and sixty cents ($1.60); on each bottle or container of more than one-fifth of a gallon and not more than one quart, two dollars ($2.00); on each bottle or container of more than one quart, two dollars ($2.00) plus ten (10) cents for each one and six-tenths (1-6/10) ounces or fractional part thereof in excess of one quart. Wines and other fermented beverages sold, distributed, delivered, stored, or taken out of storage within the county, on each bottle or container, twenty-five (25) cents; to provide that if the governing body of any such county finds and declares by resolution that the discontinuance of the State prohibition against licensees' selling, or keeping for sale, liquor or wine except in the original unbroken package is imminent, then such governing body shall be authorized to levy a license tax, in the amount below prescribed, on each person selling, distributing, delivering, storing, or withdrawing from storage, at retail within the county the beverages hereinabove described in this title; to provide that the amount of such license tax said governing body shall be authorized to levy, as aforesaid, shall be fixed in the ordinance or resolution levying such license tax, which amount shall not be less than 3% or more than 6% of the gross receipts realized by such person from the distribution, delivery, sale, storage or withdrawal from storage in the county of whiskey, gin, brandy, rum, vodka, cocktails and all other alcoholic beverages except malt beverages sold, distributed, stored, or taken out of storage within the county; to provide that the last mentioned license tax shall be called 'the gross receipts tax'; to provide that upon and after the date whereon the gross receipts tax becomes effective the license tax first hereinabove mentioned shall no longer be in effect, subject, however, to the proviso that no person shall be relieved of his obligation to pay any license tax first above mentioned due by such person for, or on account of, transactions occurring when the license tax first above mentioned was in effect; to provide for the payment of either of the two license taxes above mentioned, which is in effect and for the making and maintaining of records and reports with respect thereto; to provide for the collection and distribution of either of the above mentioned license taxes which is in effect and for the enforcement of the provisions of this act; to provide that the Board of Revenue, County Commission or like governing body of any such county shall have the authority to adopt ordinances, rules and regulations pertaining to the collection of either of the above mentioned license taxes or pertaining to the making of reports and maintaining of records with respect thereto; to provide that such ordinances, rules and regulations shall have the force and effect of law; to provide that

either of the above mentioned taxes shall constitute a debt to such county which may be collected by civil suit in addition to all other methods provided by law; to provide that either of the above mentioned license taxes, together with interest and penalties with respect thereto, shall constitute a lien upon the property of any person from whom the tax is due; to require any person engaged in selling alcoholic, spirituous, vinous, or fermented liquor to obtain a permit to sell such beverages from the Judge of Probate, License Commissioner, Director of County Department of Revenue, or other public officer performing like duties in such counties; to require any such person to make a deposit of cash or marketable securities or to file a bond in an approximate sum of two times the estimated average monthly tax; to provide that the revenue derived from either of the above mentioned license taxes, less the cost of collection, shall be paid into an Indigent Care Fund, and to provide the purpose or purposes for which either of the above mentioned taxes may be expended; to repeal any act now in effect in counties subject to this act which levies a license tax on the sale of alcoholic, spirituous, vinous, or fermented liquors, and specifically to repeal Act No. 559 of the 1959 Regular Session of the Legislature of Alabama, approved November 15, 1959; to provide for appeals from any tax assessment made under this act; to provide that all taxes due and the remedies and penalties under said statutes repealed shall continue in effect as to any taxes accrued under said repealed statutes; to provide and fix penalties for the violation of any of the provisions of said act; and to otherwise provide for the administration of said act and for the effective date thereof;" to amend the body of said Act No. 388 of the Regular Session of the Legislature of Alabama of 1965 so as to provide that on the contingency above specified in the title of said Act No. 388 as said title will be amended by this amendatory act, the governing body of any such county may levy the gross receipts tax described in the title of said Act No. 388 amended as aforesaid; and to otherwise amend the body of said Act No. 388 of the Regular Session of the Legislature of 1965 so that said Act No. 388, as amended by this amendatory act, will contain the provisions which the title of said Act No. 388, amended as aforesaid indicates said Act No. 388 will contain when amended.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Smith (J) (with notice and proof):

H. 906. Relating to Madison County; to provide the procedure for filling vacancies in any judgeship of any circuit or district court in the county.

By Rep. Smith (J) (with notice and proof):

H. 907. To provide one investigator for the District Attorney of the Twenty-third Judicial Circuit and to prescribe compensation and provide authority and power; to provide investigative equipment.

By Rep. Gilmer:

H. 920. To repeal Act No. 736, H. 1861, approved October 6, 1975, Regular Session 1975 (Acts 1975, p. 1501), entitled "An Act Relating to counties having a population of not less than 14,000 nor more than 15,000 inhabitants according to the most recent federal decennial census; to further regulate the taking, capturing or killing of wildlife in said counties; to regulate the gun and bow and arrow hunting of certain fur-bearing animals

to the gun hunting deer seasons; to ban the practice of hanging bait over or near traps used for the taking of fur-bearing animals, and to require the marking of traps under certain conditions; and to provide penalties for violation of this act."

By Reps. Starkey and Greer:

H. 937. Relative to Class 4 and 5, and 7 and 8 municipalities in this state having a population of not less than 25,000 and not more than 99,999 inhabitants or a population of 11,999 or less inhabitants according to the last or any subsequent Federal decennial census; authorizing each such municipality to acquire properties suitable for use by any commercial enterprise in furnishing hotel services, including food or lodging or both, and the rental of ground floor space or other accommodations to others engaged in any business, trade, profession, occupation or activity; authorizing such municipalities to lease such properties subject to certain specified requirements; authorizing such municipalities to finance the acquisition of such properties by the issuance of revenue bonds payable solely out of the revenues from the leasing of such properties and to secure such bonds by pledges of such revenues and leases and by mortgages on such properties; providing that all such bonds shall be negotiable instruments; authorizing the refunding of any such bonds; providing for remedies in the event of default respecting any bonds issued under the act; exempting from taxation such properties and the revenue from the lease thereof, such bonds and the income therefrom, all mortgages executed as security therefor and all lease agreements made hereunder; prohibiting any such municipality from making contributions to the cost of any such properties and from furnishing land therefor; providing that such bonds and any agreements made in connection therewith shall not constitute an indebtedness of a municipality or a pecuniary liability of any kind; providing that such bonds shall be legal investments for savings banks and insurance companies organized under the laws of this state; providing the purposes for which the proceeds from the sale of such bonds may be used; providing that no notice to or consent or approval by any governmental body or public officer shall be a prerequisite to the issuance of such bonds or the security thereof.

By Rep. Gilmer:

H. 941. To repeal Act No. 735, H. 1860, approved October 6, 1975, Regular Session 1975 (Acts 1975, p. 1499), entitled "An Act Relating to counties having a population of not less than 16,245 nor more than 16,300 inhabitants according to the most recent federal decennial census; to further regulate the taking, capturing or killing of wildlife in said counties; to regulate the gun and bow and arrow hunting of certain fur-bearing animals to the gun hunting deer seasons; to ban the practice of hanging bait over or near traps used for the taking of fur-bearing animals, and to require the marking of traps under certain conditions; and to provide penalties for violation of this act."

By Rep. Buskey (with notice and proof):

H. 951. Relating to any city having a population of not less than 175,000 nor more than 299,999 according to the 1970 federal decennial census or any subsequent federal decennial census; providing that if the current government of said city should become inoperative as to the form of government or as to the method of electing certain officials thereof, that a public referendum shall be held to select a new form of government and the method of the election of the officials thereof; to provide further that in the

event that this Act becomes effective, the people of any such city shall choose in a referendum election between a Commission-District form of government as provided for in this Act; and a Mayor-Council form of government as provided for in this Act; to define and provide for the legal status, form of government, method of electing certain officials thereof, and the powers of any such city under whichever form of government shall be chosen by the people of such city if the conditions necessary for the implementation of this Act should become operative. Further, to provide that if the people of any such city should select as the governing body a District-Commission form of government that the form of government for such city shall be known as the District-Commission form of municipal government; to define and provide the legal status, form of government and powers of any such city under the District-Commission form of government; to provide as the governing body of any such city a city commission; to provide for a city commission of three members; their election and terms of office; to provide the functions, duties, powers and authority of the city commission; to provide for the election, appointment or designation of officers, officials and employees of such city and for their qualifications, duties, functions, powers and authority; to provide for the control of the finances of such city; to provide for an annual budget, its preparation, submission, and adoption, and the effect thereof; to create and define the powers, functions, duties and authority of the department of finance and the director of the department of finance; to regulate purchases and contracts of such city; to provide for the requirements and procedures for initially establishing and reapportioning the commission districts; to provide for terms and effects of succession in government of any such city adopting the District Commission form of government; to make various other provisions for any such city adopting the District-Commission form of government and the government thereof; and to provide for the means of abandoning the District-Commission form of government and the adoption by any such city of other forms of municipal government in lieu thereof. Further, to provide that if the people of any such city should select as the governing body a Mayor-Council form of government that the form of government for such city shall be known as the Mayor-Council form of municipal government; such government consisting of a mayor elected by all qualified voters of the city and nine council members each elected solely by the qualified voters of the single-member district in which he or she resides; providing the qualifications for and the method of electing and terms of the mayor and council members; defining the legal status of the mayor-council government; establishing the organization of the mayor-council government; establishing the organization of the mayor-council government and the powers and duties of the mayor and council; establishing and defining the powers and duties of a city clerk, a chief administrative assistant to the mayor, an executive secretary and a director of finance; establishing rules and procedures for the enactment of ordinances, the preparation and approval of city budgets, and the conduct of the city's business; establishing and defining the responsibilities of various executive departments and divisions of the city; providing rights, obligations and procedures for succession in government during the transition to the mayor-council form of government; making various other general provisions, including the requirements and procedures for initially establishing and reapportioning the council districts; and to provide for the means of abandoning the mayor-council form of government and the adoption by any such city of other forms of municipal government in lieu thereof.

By Rep. Gilmer (with notice and proof):

H. 1029. Relating to Lamar County; giving the county governing body certain powers in regard to maintaining and constructing roads and rights-of-way leading to churches, schools, cemeteries and private dwellings.

By Rep. Gilmer (with notice and proof):

H. 1030. To provide further for the salaries and expense allowances of the several members of the Lamar County Commission.

By Reps. Waggoner, Moore and Smith (C) (with notice and proof):

H. 1034. Relating to Shelby County; to levy and collect special county privilege license and excise taxes paralleling the state sales and use taxes provided for in Chapter 23 of Title 40, Code of Alabama 1975, as amended; providing for the collection and enforcement of such taxes by the state revenue department; providing for the distribution and use of the proceeds; providing penalties for violations of this act; and providing that the terms of this act shall not become effective unless approved by the electors of Shelby County at a referendum election held for such purpose.

By Rep. Greer (with notice and proof):

H. 1044. Relating to Lauderdale County; to provide further for the distribution of the payments made in lieu of ad valorem taxes by the Tennessee Valley Authority as authorized by Section 40-28-2, Code of Alabama 1975.

By Reps. Williams and Sasser (with notice and proof):

H. 1052. To alter or rearrange the boundary lines of the Town of Level Plains, Dale County, Alabama, so as to include within the corporate limits of said Town all territory now within such corporate limits and also certain other territory contiguous thereto, in Dale County, Alabama.

By Reps. Williams and Sasser (with notice and proof):

H. 1053. To alter or rearrange the boundary lines of the Town of Level Plains, Dale County, Alabama, so as to include within the corporate limits of said Town all territory now within such corporate limits and also certain other territory contiguous thereto, in Dale County, Alabama.

By Rep. Buskey (with notice and proof):

H. 1054. Relating to Mobile County; to amend section 2 of Act No. 653, H. 589, approved October 2, 1975 (Acts 1975, p. 1410), pertaining to voter registration and reidentification in certain counties classified on a population basis, so as to change certain procedures for such registration and reidentification.

By Rep. Daniels (with notice and proof):

H. 1056. Relating to Geneva County; to provide an additional expense allowance for the chairman and members of the county commission.

By Rep. Adams (H) (with notice and proof):

H. 1057. Relating to Cherokee County; authorizing the county commission to levy a special county privilege license and excise tax paralleling the state sales and use taxes provided for in Chapter 23 of Title 40 of the Code of Alabama 1975, as amended; providing for the collection and enforcement of such taxes by the State Department of Revenue; providing for the distribution and use of the proceeds; and providing penalties for violations of this Act.

By Rep. Letson (with notice and proof):

H. 1058. Relating to Lawrence County; to provide for the total rehabilitation of certain persons, both male and female, convicted of any type crime and sentenced to a term of confinement in the Lawrence County Jail, and providing for a rehabilitation Board to supervise and administer the rehabilitation processes of this Act; to provide further for the carrying out of the provisions of this Act and to repeal all laws or parts of laws which conflict with this Act.

By Rep. Letson (with notice and proof):

H. 1059. Relating to Lawrence County; to provide for the election of the chairman of the county commission; to provide for the election of a temporary acting chairman; to provide that the probate judge shall cease to serve as ex officio chairman of the county commission; and to provide for the compensation of the chairman.

By Rep. Letson (with notice and proof):

H. 1060. Relating to Lawrence County; providing for the construction, maintenance and repair of public roads, highways, bridges and ferries under the county unit system; authorizing and requiring the county governing body to employ and regulate the compensation of a county engineer; providing for the manner of selecting said engineer; prescribing his qualifications; and requiring bond; defining his authority, powers and duties and those of the county governing body in relation to the roads, bridges and ferries of Lawrence County; and to prohibit the performance of certain work on private property and provide penalties for violations.

By Rep. Letson (with notice and proof):

H. 1061. Relating to Lawrence County; to further provide for the expense allowance and compensation of the members of the county commission.

By Rep. Daniels (with notice and proof):

H. 1062. Relating to Geneva County; to give the county commission certain powers and authority in regard to constructing and maintaining roads and driveways leading to schools, churches, church owned cemeteries, and private dwellings.

By Reps. Johnson (R. G.), Moore and Shoemaker (with notice and proof):

H. 1063. Relating to Talladega County; to promote temperance by regulating the sale of alcoholic bevreages; to authorize the Alabama alcoholic beverage control board to permit the handling and sale of table wine, containing not more than 14% alcohol by volume, by its licensees; to define terms, including wine, table wine, fortified wine or vinous liquor, manufacturer, wine wholesaler and wine retailer; to provide for the licensing of wine manufacturers, wine wholesalers and wine retailers by the Alabama alcoholic beverage control board; to impose state filing fees thereon and to levy state license fees on wine wholesalers and retailers; to authorize the levy of county and municipal license fees thereon; to impose an exclusive tax on or measured by the sale of table wine in Talladega County and to provide for the collection, administration and distribution thereof; to prescribe violations and offenses, and to provide for the imposition of fines and the suspension or revocation of licenses.

By Rep. Gilmer (with notice and proof):

H. 1065. Relating to Fayette County; to provide additional clerical help for the Probate Judge, Tax Assessor and Tax Collector and to provide said act shall take retroactive effect.

By Rep. Smith (J) (with notice and proof):

H. 1066. Relating to Madison County, authorizing the Madison County Commission to levy and impose by ordinance, for one (1) year, a privilege or license tax upon the sale of spirituous or vinous liquors in Madison County, providing for the collection, distribution and disposition of the proceeds of said tax; prescribing penalties for violations of the Act; and repealing conflicting laws.

By Reps. Clark and Manley (with notice and proof):

H. 1067. To provide for an additional clerk hire allowance for the office of judge of probate of Greene County.

By Reps. Clark and Manley (with notice and proof):

H. 1068. To create an Industrial Development Authority for Greene County for the purpose of promoting industry and trade and the development of said county; to provide for the organization, powers, functions, duties and personnel of such Authority and to provide for the payment of the expenses of such Authority.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Wyatt:

H. 51. Relating to alcoholic beverages: to promote temperance; to require a wine wholesaler to be issued a license by the Alabama Alcoholic Beverage Control Board in each county in which said wholesaler sells table wine to a retail licensee; to require the payment of a filing fee and the county license fee for each such license; and to require the payment of one annual state license fee in the amount of $500.00 and a bond not exceeding $10,000.

By Rep. Owens:

H. 57. To amend Section 1 of Act No. 600, H. 1134 of the 1977 Regular Session (Acts 1977, VOl. II, p. 805), which act provides a pay increase for any law enforcement officer who has full peace officer authority, so as to extend eligibility to Security and Safety Officers of the Mental Health Department.

By Rep. Turnham, et al:

H. 178. To provide that full-time employees and executive officers of the Alabama Council for School Administration and Supervision may elect to become members of the Teacher's Retirement System of Alabama; also to provide that said Council and its employees shall assume all costs, both contributory and administrative; and no cost shall devolve upon the state.

By Reps. Clark, McCorquodale and Manley:

H. 483. To provide further for the compensation of circuit judges.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following

bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Reps. Sandusky, Adams (C), Starkey, Langford and Adams (H) (With Amendment):

H. 540. Divesting the State Highway Department of certain county functions and duties in relation to roads and bridges in "captive" counties, heretofore transferred to it, and revesting such functions in the county governing bodies of the captive counties; providing for the transfer of certain funds, equipment, property and material from the State Highway Department to the county governing bodies and to provide for the effective date.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Owens:

H. 568. To establish a permanent program authorizing public subsidies which will make it possible for children in special circumstances to be adopted.

By Rep. Carothers:

H. 581. To amend Code of Alabama 1975, Section 36-7-20 and 36-7-22 relating to various expense allowances for state employees so as to provide for increases in mileage allowances for such employees.

By Rep. Bennett, et al:

H. 652. To amend Section 16-13-51, Code of Alabama, 1975, relating to the Minimum Program Fund and requirements for participation therein.

By Rep. Bennett, et al:

H. 653. Proposing an amendment to the Constitution of Alabama relative to the levy of an additional three-mill district school tax above and beyond those taxes now in existence.

The above Bill was read a second time at length as required by the Constitution.

By Rep. Sasser:

H. 664. To amend Section 16-3-9, Code of Alabama 1975, relating to expense allowance and other compensation for members of the state board of education in transacting the business of the board.

By Rep. Zoghby, et al:

H. 806. To make a conditional appropriation of state funds to the Alabama Department of Forensic Sciences for the purpose of constructing and developing a facility to house the offices, laboratories and morgue of the Southwest Regional Division.

By Rep. Sandusky:

H. 816. To amend Section 41-4-93 of the Code of Alabama, 1975, so as to prevent the appropriations for the maintenance of state roads and bridges from reverting to the Public Road and Bridge Fund from which the appropriation was made at the end of the fiscal year.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. McMillan (with notice and proof):

H. 827. Relating to Baldwin County; to provide a procedure for handling cases involving invalid personal checks given for licenses, and the voiding of such licenses.

By Rep. Penry and McMillan (with notice and proof):

H. 978. Relating to Baldwin County; to appropriate county money to the civil air patrol, the Daphne Search and Rescue Squad and the Hub City Search and Rescue Squad.

By Rep. McMillan and Penry (with notice and proof):

H. 979. Relating to Baldwin County; to amend Act No. 741, H. 1148, 1978 Regular Session (Acts 1978, p. 1080) entitled "An Act Relating to Baldwin County; providing for the collection of a filing fee on instruments, documents and papers filed for records in the Probate Judge's office," so as to provide a new expiration date.

By Rep. Penry and McMillan (with notice and proof):

H. 982. Relating to Baldwin County; to authorize the county commission to establish a county personnel system, as recommended by the U. S. Civil Service Commission.

By Rep. Wyatt (with notice and proof):

H. 883. Relating to Montgomery County; to amend Act 401, H. 935, 1957 Regular Session (Acts 1957, p. 568) as last amended, which relates to the county road engineer, so as to regulate his right to participate in other businesses.

Mr. Clemon, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Biddle:

H. 174. To authorize the director of the department of public safety to restrict driving in the extreme left side in any portion of any interstate highway, or of any highway of sufficient width, except for overtaking and passing; and to provide notice to the state highway director.

LOCAL BILLS ON THIRD READING RESUMED

The Bill:

H. 753. To provide for two clerks in the office of the tax assessor of Bullock County, Alabama; and to fix the method and basis of their employment and compensation.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following amendment to the Bill, H. B. 753, to-wit:

COMMITTEE AMENDMENT TO H. B. 753

Amend H. B. 753 on page 1, line 14, after the word "assessor" by inserting the following:

"and one clerk in the office of the tax collector of Bullock County, Alabama; and to fix the method and basis of their employment and compensation."

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Kirkland	Mitchem	
Bailey	Glass	Lemaster	Proctor	
Barron	Goodwin	Little	St. John	
Britnell	Gulledge	Martin	Smith	
Clemon	Hall	McDonald	Teague	
Cook	Holmes	Miller	Weeks	
Denton	Keener			—25
Nays:				—0

And said Bill, H. B. 753, as thus amended, was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Kirkland	Mitchem	
Bailey	Glass	Lemaster	Proctor	
Barron	Goodwin	Little	St. John	
Britnell	Gulledge	Martin	Smith	
Clemon	Hall	McDonald	Teague	
Cook	Holmes	Miller	Weeks	
Denton	Keener			—25
Nays:				—0

The Bill:

H. 795. Relating to Macon County; to amend further Act No. 102, H. 237, Regular Session 1935 (Local Acts 1935, p. 38), which relates to the selection of the superintendent of education and prescribes his duties, qualifications, compensation and term of office, so as to provide further for his compensation, and to give this act retroactive effect.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Kirkland	Parsons	
Bailey	Figures	Little	Pearson	
Barron	Glass	Martin	Proctor	
Britnell	Gulledge	McDonald	Smith	
Callahan	Hall	Miller	Teague	
Clemon	Holmes	Mitchem	Weeks	
Cook	Keener			—25
Nays:				—0

The Bill:

H. 988. To amend further Section 1 of Act No. 47, H. 100, Special Session 1962 (Acts 1962, p. 63), as amended, fixing the compensation of certain county officers of Elmore County so as to further provide for the compensation and expense allowances of certain county officers.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Keener	St. John	
Bailey	Figures	Kirkland	Smith	
Barron	Glass	Little	Teague	
Britnell	Goodwin	Martin	Vacca	
Callahan	Gulledge	Miller	Weeks	
Clemon	Harrison	Mitchem	White	
Cook	Holmes			—25
Nays:				—0

The Bill:

H. 1021. Relating to Lauderdale County; to provide a procedure for handling cases involving invalid personal checks given for licenses, and the voiding of such licenses.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Glass	McDonald	St. John	
Bailey	Hall	Miller	Smith	
Barron	Harrison	Mitchem	Teague	
Britnell	Holmes	Parsons	Vacca	
Clemon	Keener	Pearson	Weeks	
Cook	Little	Proctor	White	
Denton	Martin			—25
Nays:				—0

The Bill:

H. 1022. Relating to Lauderdale County; providing additional compensation for members of the jury commission, payable out of the county treasury.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Little	Smith	
Bailey	Glass	Martin	Taylor	
Barron	Goodwin	Miller	Teague	
Britnell	Hall	Parsons	Vacca	
Callahan	Holmes	Proctor	Weeks	
Clemon	Keener	St. John	White	
Cook	Lemaster			—25
Nays:				—0

The Bill:

H. 1023. To repeal Act No. 507, H. 1180, approved August 24, 1976, Regular Session 1976 (Acts 1976, p. 633), entitled, "An Act Relating to all counties having a population of not less than 65,500 nor more than 75,200 according to the 1970 or any subsequent federal decennial census; providing for an additional tax on certain misdemeanor and felony guilty arrests made by the sheriff or sheriff deputies; providing for the collecting of such tax and earmarking the same for the sheriff's department."

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Little	St. John	
Bailey	Glass	Martin	Smith	
Barron	Hall	Miller	Teague	
Britnell	Holmes	Mitchem	Vacca	
Callahan	Keener	Parsons	Weeks	
Clemon	Kirkland	Proctor	White	
Cook	Lemaster			—25

Nays: —0

The Bill:

H. 1024. To repeal Act No. 506, H. 1183, approved August 24, 1976, Regular Session 1976 (Acts 1976, p. 633), entitled, "An Act Relating to counties having populations of not less than 65,500 nor more than 75,200 according to the 1970 or any subsequent federal decennial census; providing an additional mileage allowance for the sheriff and his deputies."

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Goodwin	Martin	Smith	
Bailey	Gulledge	Miller	Taylor	
Barron	Hall	Mitchem	Teague	
Britnell	Harrison	Parsons	Vacca	
Cook	Holmes	Pearson	Weeks	
Denton	Keener	Proctor	White	
Glass	Little			—25

Nays: —0

The Bill:

H. 1033. Relating to Macon County; to give the county commission certain powers and authority in regard to constructing and maintaining roads and driveways leading to schools, churches, church owned cemeteries, and private dwellings.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Kirkland	Pearson	
Bailey	Figures	Little	Proctor	
Barron	Glass	Martin	St. John	
Britnell	Goodwin	Miller	Smith	
Callahan	Hall	Mitchem	Teague	
Clemon	Holmes	Parsons	Weeks	
Cook	Keener			—25

Nays: —0

The Bill:

H. 1036. To further authorize the Geneva County Commission to provide an increase to the clerk-hire allowance for the Tax Assessor and the Tax Collector.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Little	St. John	
Bailey	Figures	Martin	Smith	
Barron	Glass	Miller	Teague	
Britnell	Hall	Parsons	Vacca	
Callahan	Holmes	Pearson	Weeks	
Clemon	Keener	Proctor	White	
Cook	Kirkland			—25

Nays: —0

The Bill:

H. 1037. To amend Act No. 542, H. 1106 of the 1976 Regular Session (1976 Acts, p. 726) entitled "An Act Relating to Geneva County; providing the county governing body may supplement the salary of the circuit judge from the county general fund, up to six thousand dollars ($6,000) per annum, so long as such judge is a resident of Geneva County," so as to delete the requirement that the judge be a resident of Geneva County.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Glass	Little	St. John	
Bailey	Goodwin	Martin	Smith	
Barron	Gulledge	Miller	Teague	
Clemon	Hall	Parsons	Vacca	
Cook	Holmes	Pearson	Weeks	
Denton	Keener	Proctor	White	
Figures	Kirkland			—25

Nays: —0

The Bill:

H. 1043. To make appropriation from the general fund of Coffee County for the relief of the tax assessor of said county for services rendered and costs incurred in the performance of his duties; and to give the county commission discretionary power to expend said funds.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Keener	Proctor	
Bailey	Figures	Little	Robertson	
Barron	Glass	Martin	St. John	
Britnell	Goodwin	Miller	Smith	
Callahan	Gulledge	Parsons	Teague	
Clemon	Hall	Pearson	Weeks	
Cook	Holmes			—25

Nays: —0

The Bill:

H. 1046. Relating to Bullock County; providing further for the advertisement of notice of intention to apply for passage of local laws.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Keener	Parsons	
Bailey	Glass	Lemaster	Pearson	
Barron	Goodwin	Little	Proctor	
Britnell	Gulledge	Martin	Smith	
Clemon	Hall	McDonald	Teague	
Cook	Harrison	Miller	Weeks	
Denton	Holmes			—25

Nays: —0

The Bill:

H. 1047. Relating to Bullock County; providing an expense allowance for the coroner.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Holmes	Miller	
Bailey	Figures	Keener	Parsons	
Barron	Glass	Kirkland	St. John	
Britnell	Goodwin	Lemaster	Smith	
Callahan	Gulledge	Little	Teague	
Clemon	Hall	Martin	Weeks	
Cook	Harrison			—25

Nays: —0

The Bill:

H. 640. To amend the title and Section 1 of Act No. 663, H. 1422, Regular Session 1975 (Acts 1975, p. 1388), entitled, "An Act Relating to Lauderdale County; providing further for the election of the members of the county board of education," so as to provide further for the election of the superintendent of education of Lauderdale County.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following amendment to the Bill, H. B. 640, to-wit:

COMMITTEE AMENDMENT TO H. B. 640

Amend H. 640 as follows:

On line 33 delete the quotation marks and add the following:

Provided, however, that the superintendent shall not be required to live in the school district."

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Kirkland	Proctor	
Bailey	Glass	Little	Smith	
Barron	Goodwin	Martin	Teague	
Britnell	Gulledge	Miller	Vacca	
Callahan	Hall	Mitchem	Weeks	
Clemon	Holmes	Parsons	White	
Cook	Keener			—25

Nays: —0

And said Bill, H. B. 640, as thus amended, was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Kirkland	Proctor	
Bailey	Glass	Little	Smith	
Barron	Goodwin	Martin	Teague	
Britnell	Gulledge	Miller	Vacca	
Callahan	Hall	Mitchem	Weeks	
Clemon	Holmes	Parsons	White	
Cook	Keener			—25

Nays: —0

The Bill:

H. 1039. Relating to Chilton County; to amend Act No. 123, H. 362, 1967 Regular Session (Acts 1967, p. 461), relating to pistol permit fees of such county, so as to increase said fees.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Little	St. John	
Bailey	Figures	Martin	Smith	
Barron	Glass	Miller	Teague	
Britnell	Hall	Mitchem	Vacca	
Callahan	Holmes	Parsons	Weeks	
Clemon	Keener	Proctor	White	
Cook	Kirkland			—25

Nays: —0

The Bill:

H. 1040. Relating to Chilton County; to provide an additional expense allowance for the members of the county commission.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Keener	St. John	
Bailey	Figures	Little	Smith	
Barron	Glass	Martin	Teague	
Britnell	Goodwin	Miller	Vacca	
Callahan	Gulledge	Parsons	Weeks	
Clemon	Hall	Proctor	White	
Cook	Holmes			—25

Nays: —0

The Bill:

H. 553. Relating to all cities having populations of not less than 6,000 nor more than 11,999 inhabitants according to the 1970 or any subsequent federal decennial census which have held an advisory referendum election in which the electors have expressed a preference for the election of the city board of education; to provide for the election and tenure of members of the city board of education of any such cities.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Kirkland	Pearson	
Bailey	Glass	Lemaster	Proctor	
Barron	Goodwin	Little	Smith	
Britnell	Gulledge	Martin	Teague	
Clemon	Hall	Miller	Weeks	
Cook	Harrison	Parsons	White	
Denton	Holmes			—25

Nays: —0

The Bill:

H. 944. Relating only to Talladega County; providing for the suspension of the use of beer stamps as a method of collecting certain local taxes under certain circumstances; providing for rules and regulations for the collection of such taxes; and further providing for the reimposition of such beer stamp use under certain circumstances.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following amendment to the Bill, H. B. 944, to-wit:

COMMITTEE AMENDMENT TO H. B. 944

Amend H. 944 as follows:

On page one, after line 28, add a new Section 4 as follows:

Section 4. Audit of the books and records, applicable under said Act No. 1599, shall be conducted on an annual basis.

Renumber subsequent sections accordingly.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Little	Proctor	
Bailey	Figures	Martin	St. John	
Barron	Glass	McDonald	Smith	
Britnell	Hall	Miller	Teague	
Callahan	Holmes	Mitchem	Weeks	
Clemon	Kirkland	Parsons	White	
Cook	Lemaster			—25
Nays:				—0

And said Bill, H. B. 944, as thus amended, was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Little	Proctor	
Bailey	Figures	Martin	St. John	
Barron	Glass	McDonald	Smith	
Britnell	Hall	Miller	Teague	
Callahan	Holmes	Mitchem	Weeks	
Clemon	Kirkland	Parsons	White	
Cook	Lemaster			—25
Nays:				—0

The Bill:

H. 945. Applying only to Talladega County; regulating and identifying certain mobile homes; providing for the use of decals for such purpose; and providing fees and penalties.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Kirkland	Proctor	
Bailey	Glass	Little	St. John	
Barron	Goodwin	Martin	Smith	
Britnell	Gulledge	Miller	Teague	
Clemon	Hall	Mitchem	Weeks	
Cook	Harrison	Parsons	White	
Denton	Holmes			—25

Nays: —0

The Bill:

H. 946. Applying only to Talladega County; providing for additional fees on certain business and store licenses required for places of business within the county; and providing for penalties for failure to pay such fees.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Kirkland	Proctor	
Bailey	Figures	Little	St. John	
Barron	Glass	Martin	Smith	
Britnell	Goodwin	Miller	Teague	
Callahan	Hall	Mitchem	Weeks	
Clemon	Harrison	Parsons	White	
Cook	Holmes			--25

Nays: —0

The Bill:

H. 947. Relating only to Talladega County; levying an additional privilege or license tax on the sale or distribution of malt or brewed beverages within the county; and providing for the method of collection thereof.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following amendment to the Bill, H. B. 947, to-wit:

COMMITTEE AMENDMENT TO H. B. 947

Amend H. 947 as follows:

On page one, in line 18, delete the words "two cents" and insert in lieu thereof the words "one cent".

In line 20 delete the words "within the county".

In line 25 delete the word "not".

Delete Section 4 (lines 32, 33 and 34) and insert a new Section 4 to read as follows:

"Section 4. The tax levied by this Act shall be paid to the probate judge of the county who shall distribute the net proceeds from such license tax after deducting all costs of collection as follows: (a) The sum of $4,000 dollars shall be paid annually into the county general fund for the sole use as follows: (i) the sum of $1,000 dollars per annum shall be spent in the unincorporated community of Eastaboga for public projects for the benefit of said community; (ii) the sum of $1,500 dollars per annum shall be spent in the unincorporated community of Munford to provide rural health care in the existing rural health clinic in said community; and (iii) the sum of $1,500 dollars per annum shall be spent in the unincorporated community of Munford for youth activities, including the construction, improvement, lighting and maintenance of athletic playing fields; (b) After the payment of the sums provided for in subsection (a) of this Section, 90 per cent of the net proceeds of the said license tax shall be distributed as follows: (i) to the Talladega County Board of Education 40% of said proceeds, (ii) to the Talladega City Board of Education 25% of said proceeds, and (iii) to the Sylacauga City Board of Education 25% of said proceeds, and the remaining 10 per cent of the net proceeds shall be paid half to the North Talladega County Association for Retarded Citizens, Inc., and half to the South Talladega County Association for Retarded Citizens, Inc. All distributions under this section are to be in addition to any other appropriation or allocation for such purposes heretofore made."

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Glass	Little	Proctor	
Bailey	Goodwin	Martin	St. John	
Barron	Hall	McDonald	Smith	
Clemon	Harrison	Miller	Teague	
Cook	Holmes	Mitchem	Weeks	
Denton	Kirkland	Parsons	White	
Figures	Lemaster			—25

Nays: —0

And said Bill, H. B. 947, as thus amended, was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Glass	Little	Proctor	
Bailey	Goodwin	Martin	St. John	
Barron	Hall	McDonald	Smith	
Clemon	Harrison	Miller	Teague	
Cook	Holmes	Mitchem	Weeks	
Denton	Kirkland	Parsons	White	
Figures	Lemaster			—25

Nays: —0

The Bill:

H. 948. To authorize and provide for the establishment, maintenance, operation and financing of a Public Law Library in Talladega County; to authorize the governing body of said County to expend public funds under its

control therefor; to provide for the taxing and collection of additional court costs in certain Courts in said County for such purpose and for the expenditure thereof; to designate the officers to accomplish said purpose and to define the powers and duties of such officers with respect thereto, and to designate personnel to operate said Library, or to assist therein, and provide for employment of additional personnel for said purpose, and the payment of salaries of such personnel; and to provide additional funds for the support of law enforcement in Talladega County.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Lemaster	Proctor	
Bailey	Figures	Little	St. John	
Barron	Glass	Martin	Smith	
Britnell	Hall	Miller	Teague	
Callahan	Holmes	Mitchem	Weeks	
Clemon	Keener	Parsons	White	
Cook	Kirkland			—25

Nays: —0

The Bill:

H. 949. Applying only to Talladega County; providing for additional fees to be assessed against taxpayers delinquent in the payment of ad valorem taxes.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Keener	Parsons	
Bailey	Figures	Kirkland	Proctor	
Barron	Glass	Little	Smith	
Britnell	Goodwin	Martin	Teague	
Callahan	Gulledge	Miller	Weeks	
Clemon	Hall	Mitchem	White	
Cook	Holmes			—25

Nays: —0

The Bill:

H. 950. Applying only to Talladega County; providing for the creation of a county license inspector and deputy county license inspector; providing for delinquency and citation fees, commissions and penalties allowable to such inspector; providing that all license inspector's fees, commissions and penalties be paid into the county general fund for the use of the county; and repealing all conflicting provisions of law.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following amendment to the Bill, H. B. 950, to-wit:

COMMITTEE AMENDMENT TO H. B. 950

Amend H. 950 by changing Section 12 (lines 10 and 11, page 3) to read as follows:

"Section 12. This Act shall become effective January 1, 1980."

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Kirkland	Parsons	
Bailey	Figures	Lemaster	Proctor	
Barron	Glass	Little	Smith	
Britnell	Goodwin	Martin	Teague	
Callahan	Hall	Miller	Weeks	
Clemon	Higginbotham	Mitchem	White	
Cook	Holmes			—25

Nays: —0

And said Bill, H. B. 950, as thus amended, was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Kirkland	Parsons	
Bailey	Figures	Lemaster	Proctor	
Barron	Glass	Little	Smith	
Britnell	Goodwin	Martin	Teague	
Callahan	Hall	Miller	Weeks	
Clemon	Higginbotham	Mitchem	White	
Cook	Holmes			—25

Nays: —0

RESOLUTION

Mr. White offered the following Senate Resolution, to-wit:

S. R. 149. COMMENDING KENNY MORGAN AS AN OUTSTANDING LEADER AND ATHLETE.

Which was adopted.

LOCAL BILLS ON THIRD READING RESUMED

The Bill:

H. 1038. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Fort Payne, in DeKalb County; to provide for a referendum election on the question of annexation.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Keener	Proctor	
Bailey	Figures	Lemaster	Smith	
Barron	Glass	Little	Teague	
Britnell	Goodwin	McDonald	Vacca	
Callahan	Gulledge	Mitchem	Weeks	
Clemon	Hall	Pearson	White	
Cook	Holmes			—25

Nays: —0

The Bill:

H. 1020. Relating to Russell County; to abolish the office of license inspector; to place the powers, duties and functions of said office in the sheriff of said county; to provide for the disposition of fees accruing from the performance of the duties of license inspectors; and to provide the sheriff with employees to carry out the act.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Martin	St. John	
Bailey	Figures	Miller	Smith	
Barron	Glass	Mitchem	Teague	
Britnell	Hall	Parsons	Vacca	
Callahan	Higginbotham	Pearson	Weeks	
Clemon	Keener	Proctor	White	
Cook	Little			—25

Nays: —0

The Bill:

H. 938. Relating to St. Clair County; to levy an additional privilege, license or excise tax upon sellers, distributors, or users of malt or brewed beverages and to provide for the distribution of the proceeds of said tax.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following substitute for the Bill, H. B. 938, to-wit:

COMMITTEE SUBSTITUTE FOR H. B. 938

A BILL
TO BE ENTITLED
AN ACT

Relating to St. Clair County; to levy an additional privilege, license or excise tax upon sellers, distributors, or users of malt or brewed beverages and to provide for the collection and distribution of the proceeds of said tax.

Be It Enacted by the Legislature of Alabama:

Section 1. In St. Clair County, in addition to all other taxes heretofore provided by law, a county privilege, license or excise tax is hereby imposed upon every seller, distributor, storer or user of any malt or brewed beverages

(including beer, lager beer, ale, porter, or similar fermented malt liquor containing one-half of one percent or more of alcohol by volume) in said county. The additional tax shall be an amount equal to two cents on each twelve fluid ounces or fractional part thereof, of malt or brewed beverages sold, used, consumed or distributed in the county. The tax shall be in addition to all other taxes heretofore or hereafter levied on such beverages; provided, that where the amount of the tax imposed by this Act shall have been paid to the county by any seller, distributor, dealer, or user, such payment shall be sufficient, the intent being that the tax levied by this Act shall be paid but once.

Section 2. (a) The provisions of Act No. 515, H. 1028 of the 1969 Regular Session, requiring the use of tax stamps as the method of paying the tax levied under said Act, may be suspended for successive periods of time not to exceed two years each, by the Chairman of the County Commission with the consent of the county governing body.

(b) All the books and records required by said Act No. 515 to be kept or maintained by any person shall be open to examination by the district attorney of the county, by the attorney general of the State of Alabama, and by the state department of examiners of public accounts at any time, whether or not the use of stamps is suspended as provided herein. The books and records shall be audited on an annual basis in the event the use of stamps is suspended.

(c) Upon any suspension of the use of stamps, the taxes levied under said Act No. 515 shall be paid in accordance with rules and regulations adopted by the Chairman of the County Commission.

(d) If the use of stamps is suspended, their use may be reimposed under the provisions of said Act No. 515 at any time upon reasonable notice, by the Chairman of the County Commission or by resolution of the county governing body.

(e) At the end of any period of time for which the use of beer stamps is suspended, the use of such stamps may again be suspended for additional periods of time not to exceed two years each, by the Chairman of the County Commission with the consent of the county governing body.

Section 3. The proceeds of the tax imposed by this Act shall be paid into the general fund in the county treasury and shall be disbursed as follows: One-half of the net proceeds shall be paid to the Road and Building Fund, which money shall be used for the operation of the St. Clair County Road Department, in the building and maintenance of all public roads and bridges in the county; the balance of said tax shall remain in the general fund to be disbursed by the St. Clair County Commission as any other funds in the county are disbursed.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. The provisions of this Act shall become effective on the first day of the month following the expiration of two months from the date this bill becomes law.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Kirkland	Pearson	
Bailey	Figures	Little	Proctor	
Barron	Glass	Martin	Smith	
Britnell	Goodwin	Miller	Teague	
Callahan	Hall	Mitchem	Weeks	
Clemon	Holmes	Parsons	White	
Cook	Keener			—25

Nays: —0

And said Bill, H. B. 938, as thus amended by the substitute, was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Kirkland	Pearson	
Bailey	Figures	Little	Proctor	
Barron	Glass	Martin	Smith	
Britnell	Goodwin	Miller	Teague	
Callahan	Hall	Mitchem	Weeks	
Clemon	Holmes	Parsons	White	
Cook	Keener			—25

Nays: —0

The Bill:

H. 943. Relating to Madison County; to provide for the payment of increases in the salaries of deputies sheriff in said county; to prescribe a minimum pay scale for such deputies and to earmark a certain portion of the alcoholic beverage tax revenues accruing to said county under the provisions of Sections 40-28-1 through 40-28-3 of the Code of Alabama 1975 for the payment of such salary increases.

was taken up.

Mr. Smith offered the following substitute for the Bill, H. B. 943, to-wit:

SUBSTITUTE FOR H. B. 943

A BILL
TO BE ENTITLED
AN ACT

Relating to Madison County; to provide for the payment of increases in the salaries of county employees in said county; and to earmark a certain portion of the alcoholic beverage tax revenues accruing to said county under the provisions of Sections 40-28-1 through 40-28-3 of the Code of Alabama 1975 for the payment of such salary increases.

Be It Enacted by the Legislature of Alabama:

Section 1. That portion of the alcoholic beverage tax revenues accruing to Madison County under the provisions of Sections 40-28-1 through

40-28-3 of the Code of Alabama 1975 which is in excess of the amount of alcoholic beverage tax revenues received by said county prior to the enactment of said sections is hereby earmarked and shall be expended by the county commission for the payment of increases in the salaries of the county employees of said county as may hereafter be provided by law from time to time, and such amount shall be in addition to any previous year's funding.

Section 2. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Little	Robertson	
Bailey	Figures	McDonald	Smith	
Barron	Glass	Mitchem	Teague	
Britnell	Hall	Parsons	Vacca	
Callahan	Holmes	Pearson	Weeks	
Clemon	Keener	Proctor	White	
Cook	Lemaster			—25

Nays: —0

And said Bill, H. B. 943, as thus amended by the substitute, was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Little	Robertson	
Bailey	Figures	McDonald	Smith	
Barron	Glass	Mitchem	Teague	
Britnell	Hall	Parsons	Vacca	
Callahan	Holmes	Pearson	Weeks	
Clemon	Keener	Proctor	White	
Cook	Lemaster			—25

Nays: —0

The Bill:

H. 960. Relating to Rainbow City in Etowah County, so as to amend Act No. 430, S. 660, 1973 Regular Session, (1973 Acts, p. 624) which relates to the compensation of the chairman and board members of the Rainbow City Gas, Water and Sewer Board, so as to provide further for the compensation of such persons.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Little	St. John	
Bailey	Figures	Martin	Smith	
Barron	Glass	Mitchem	Teague	
Britnell	Goodwin	Pearson	Vacca	
Callahan	Hall	Proctor	Weeks	
Clemon	Keener	Robertson	White	
Cook	Lemaster			—25

Nays: —0

CONSENT CALENDAR

The Bill:

S. 499. To amend Section 41-9-325, Code of Alabama 1975, so as to give the Tannehill Furnace and Foundry Commission the specific power to make and alter rules and regulations governing the Tannehill Historical State Park; to make the violation of such rules a misdemeanor; and to give the commission police power over the park premises.

was again taken up.

Mr. deGraffenried was granted unanimous consent to take up the Bill.

H. 803. To amend Section 41-9-325, Code of Alabama 1975, so as to give the Tannehill Furnace and Foundry Commission the specific power to make and alter rules and regulations governing the Tannehill Historical State Park; to make the violation of such rules a misdemeanor; and to give the commission police power over the park premises.

in place of the bill, S. B. 499.

And said Bill, H. B. 803, was read a third time at length and passed.

Yeas 23; Nays 0.

Yeas:

Messrs.:	Hall	McDonald	Robertson	
Britnell	Harrison	Miller	Smith	
Callahan	Higginbotham	Mitchem	Teague	
Cook	Keener	Parsons	Vacca	
deGraffenried	Kirkland	Pearson	Weeks	
Denton	Martin	Proctor	White	
				—23

Nays: —0

CALENDAR BILL INDEFINITELY POSTPONED

On motion of Mr. deGraffenried, consideration of the Bill, S. B. 499, was indefinitely postponed by the Senate.

RESOLUTION

Mr. McDonald offered the following Senate Resolution, to-wit:

S. R. 150. RELATIVE TO MEETING TIME ON THE THIRTIETH DAY.

Which was adopted.

CONSENT CALENDAR

BILLS ON THIRD READING RESUMED

The Bill:

S. 467. To provide that any property owner shall have the authority to clean or dredge a stream or creek running through or onto his property.

was again taken up.

Mr. Britnell was granted unanimous consent to take up the Bill, H. B. 759.

H. 759. To provide that any property owner shall have the authority to clean or dredge a stream or creek running through or onto his property.

in place of the Bill, S. B. 467.

Mr. Britnell offered the following substitute for the Bill, H. B. 759, to-wit:

SUBSTITUTE FOR H. B. 759

A BILL
TO BE ENTITLED
AN ACT

To provide that any property owner shall have the authority, within certain limitations, to clean or dredge a stream or creek running through or onto his property.

Be It Enacted by the Legislature of Alabama:

Section 1. Any law, or any rule or regulation promulgated by a state agency, to the contrary notwithstanding, any property owner shall have the authority to clean out or dredge a creek or stream running through his property. However, such person shall only be authorized to maintain any stream or creek which runs through or onto his property and no other. Provided, further, that such cleaning or dredging shall not adversely affect the rights of property owners either upstream or downstream from the site of such cleaning or dredging work, nor shall it change the natural course of said stream.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Britnell	Denton	Harrison
Bailey	Callahan	Gulledge	Keener
Barron	deGraffenried	Hall	Kirkland

Lemaster	Mitchem	St. John	Vacca
Little	Parsons	Smith	Weeks
Martin	Pearson	Teague	White
Miller			

—24

Nays: —0

And said Bill, H. B. 759, as thus amended by the substitute, was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.;	Gulledge	Little	St. John
Bailey	Hall	Martin	Smith
Barron	Harrison	Miller	Teague
Britnell	Keener	Mitchem	Vacca
Callahan	Kirkland	Parsons	Weeks
deGraffenried	Lemaster	Pearson	White
Denton			

—24

Nays: —0

CALENDAR BILL INDEFINITELY POSTPONED

On motion of Mr. Britnell, consideration of the Bill, S. B. 467, was indefinitely postponed by the Senate.

BILLS ON THIRD READING RESUMED

The Bill:

H. 493. To amend Section 34-26-2, Code of Alabama 1975, which relates to confidential relations and communications between licensed psychologists and their clients, so as to include psychiatrists within this privilege.

was read a third time at length and passed.

Yeas 20; Nays 0.

Yeas:

Messrs.:	Denton	Little	Proctor
Bailey	Hall	McDonald	St. John
Barron	Harrison	Mitchem	Smith
Britnell	Keener	Parsons	Teague
Callahan	Kirkland	Pearson	Vacca
deGraffenried			

—20

Nays: —0

REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Jack Curtis Lufkin to the State Board of Pardons and Paroles.

On motion of Mr. Kirkland, the appointment of Mr. Lufkin was confirmed by the Senate.

Yeas 29; Nays 0.

Yeas:

Messrs.:	Figures	Little	Robertson	
Bailey	Goodwin	McDonald	St. John	
Barron	Gulledge	Miller	Smith	
Britnell	Hall	Mitchem	Teague	
Callahan	Harrison	Parsons	Vacca	
Cook	Higginbotham	Pearson	Weeks	
deGraffenried	Keener	Proctor	White	
Denton	Kirkland			—29

Nays: —0

BILLS ON THIRD READING RESUMED

The Bill:

H. 551. To further authorize and empower the Department of Pensions and Security to operate child support programs, locate absent parents, establish paternity, enforce child support obligations, to collect and distribute support payments, and to conform with certain provisions of the Social Security Act, as amended, in order to obtain maximum benefits under the Social Security Act, as amended; and to prescribe penalties.

was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Figures	McDonald	Robertson	
Bailey	Hall	Miller	St. John	
Barron	Harrison	Mitchem	Smith	
Britnell	Kirkland	Parsons	Teague	
Callahan	Little	Pearson	Vacca	
deGraffenried	Martin	Proctor	White	
Denton				—24

Nays: —0

REPORT OF
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, respectively, and finds same correctly enrolled, to-wit:

S. 235. Relating to Jefferson County; to amend Act No. 261, H. 1462, Regular Session, 1975, (Acts of 1975, p. 795) an act fixing supplemental salaries for each District Court Judge in Jefferson County, Alabama.

Also:

S. 598. Relating to Pike County; to provide an additional expense allowance for the coroner of such county.

Also:

S. 611. Relating to Madison County; to provide for a cost of living adjustment and expense allowance for certain officials in Madison County; and to provide that Sections 1, 2 and 3 of this act relating to the increase in compensation of certain county officials shall be effective only if all full time county employees and deputy sheriffs have been provided the same percentage increase as elected officials.

Also:

S. 620. To provide for the distribution of payments in lieu of taxes by Tennessee Valley Authority of the United States Government made to Limestone County pursuant to Act No. 92 of the 1978 Alabama Legislature, approved August 7, 1978, 1978 Acts of Alabama, Page 1787, among the various governmental units, schools, and hospital in Limestone County which receive distributions of ad valorem tax revenues.

Also:

S. 622. To repeal Act No. 1220, S. 618, Regular Session 1973, (Acts 1973, p. 2068) entitled "An Act To authorize the Tax Assessor, Tax Collector, and Clerk of the Circuit Court, Circuit Judge, Judge of Probate Court and Judge of the Intermediate Court in all counties having a population of not less than 23,900 nor more than 24,450 to hire clerical assistants, to set the compensation of such assistants, and to provide that the salaries of such assistants be paid from the general funds of such Counties."

Also:

S. 623. Relating to Franklin County; to authorize the tax assessor, tax collector and Judge of Probate to hire clerical assistants, to assist him in the performance of his duties.

Also:

S. 624. Relating to Franklin County; providing further for the compensation of election officials.

Also:

S. 626. Relating to Marshall County; to provide a salary increase for the tax assessor and tax collector for said county and to provide for the effective date of said increase.

Also:

S. 636. Relating to Marshall County; to provide further for the powers and duties of the county commission; to ratify and confirm certain expenditures heretofore made to the custodian of voting machines; and to provide further for the method of compensation of said custodian by the county commission.

Also:

S. 638. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Alexander City, in Tallapoosa County.

ALBERT McDONALD,
Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing report from the Committee on Rules.

REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mrs. Halycon Vance Ballard to the State Personnel Board

On motion of Mr. McDonald, the appointment of Mrs. Ballard was confirmed by the Senate.

Yeas 23; Nays 0.

Yeas:

Messrs.:	Hall	Little	St. John
Barron	Harrison	Martin	Smith
Callahan	Higginbotham	McDonald	Teague
Denton	Keener	Miller	Vacca
Figures	Kirkland	Mitchem	Weeks
Goodwin	Lemaster	Parsons	White

—23

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 292. CREATING A JOINT INTERIM COMMITTEE TO STUDY THE NEEDS AND NECESSITIES OF OFF-CAMPUS BRANCHES OR CENTERS OF JUNIOR COLLEGES.

Also:

H. J. R. 301. PROVIDING A COMMON DATE FOR HOLDING ELECTIONS ON ALL CONSTITUTIONAL AMENDMENTS PROPOSED AT THE 1979 REGULAR SESSION OF THE LEGISLATURE WHEN A DATE NOT OTHERWISE SPECIFIED.

Also:

H. J. R. 310. MOURNING THE DEATH OF MRS. MARGHERITA LIGON SWIFT.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 736. Relating to Mobile County; to provide that any master plumber, journeyman plumber, plumber apprentice or other person qualified to perform plumbing work under the plumber licensing laws of Alabama shall be exempt from taking any further examination in order to obtain any county or municipal license to do business in such county or municipality.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

UNFINISHED BUSINESS

BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the Unfinished Business for today, the first item of which was the Bill:

S. 151. Relating to the regulation of the practice of podiatry in Alabama; further amending certain definitions and adding another definition; amending the make up of the State Board of Podiatry; amending the requirements for the renewal of licenses; amending Sections 1, 3, and 15 of Act No. 741, S. 388, Regular Session of 1967 (Acts 1967, p. 1586).

Mr. Callahan was granted unanimous consent to take up the Bill:

H. 206. Relating to the regulation of the practice of podiatry in Alabama; further amending certain definitions and adding another definition; amending the make up of the State Board of Podiatry; amending the requirements for the renewal of licenses; amending Sections 34-24-230, 34-24-250, and 34-24-275, Code of Alabama, 1975.

in place of the Bill, S. B. 151.

And said Bill, H. B. 206, was read a third time at length and passed.

Yeas 21; Nays 1.

Yeas:

Messrs.:	Figures	Lemaster	Parsons	
Bailey	Gulledge	Little	St. John	
Barron	Hall	McDonald	Smith	
Callahan	Harrison	Miller	Teague	
Cook	Higginbotham	Mitchem	Weeks	
Denton	Holmes			—21

Nay: Mr. White. —1

CALENDAR BILL INDEFINITELY POSTPONED

On motion of Mr. White, consideration of the Bill, S. B. 151, was indefinitely postponed by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 795. Relating to Macon County; to amend further Act No. 102, H. 237, Regular Session 1935 (Local Acts 1935, p. 38), which relates to the selection of the superintendent of education and prescribes his duties, qualifications, compensation and term of office, so as to provide further for his compensation, and to give this act retroactive effect.

Also:

H. 988. To amend further Section 1 of Act No. 47, H. 100, Special Session 1962 (Acts 1962, p. 63), as amended, fixing the compensation of certain county officers of Elmore County so as to further provide for the compensation and expense allowances of certain county officers.

Also:

H. 1021. Relating to Lauderdale County; to provide a procedure for handling cases involving invalid personal checks given for licenses, and the voiding of such licenses.

Also:

H. 1022. Relating to Lauderdale County; providing additional compensation for members of the jury commission, payable out of the county treasury.

Also:

H. 1023. To repeal Act No. 507, H. 1180, approved August 24, 1976, Regular Session 1976 (Acts 1976, p. 633), entitled, "An Act Relating to all counties having a population of not less than 65,500 nor more than 75,200 according to the 1970 or any subsequent federal decennial census; providing for an additional tax on certain misdemeanor and felony guilty arrests made by the sheriff or sheriff deputies; providing for the collecting of such tax and earmarking the same for the sheriff's department."

Also:

H. 1024. To repeal Act No. 506, H. 1183, approved August 24, 1976, Regular Session 1976 (Acts 1976, p. 633), entitled, "An Act Relating to counties having populations of not less than 65,500 nor more than 75,200 according to the 1970 or any subsequent federal decennial census; providing an additional mileage allowance for the sheriff and his deputies."

Also:

H. 1033. Relating to Macon County; to give the county commission certain powers and authority in regard to constructing and maintaining roads and driveways leading to schools, churches, church owned cemeteries, and private dwellings.

Also:

H. 1036. To further authorize the Geneva County Commission to provide an increase to the clerk-hire allowance for the Tax Assessor and the Tax Collector.

Also:

H. 1037. To amend Act No. 542, H. 1106 of the 1976 Regular Session (1976 Acts, p. 726) entitled "An Act Relating to Geneva County; providing the county governing body may supplement the salary of the circuit judge from the county general fund, up to six thousand dollars ($6,000) per annum, so long as such judge is a resident of Geneva County," so as to delete the requirement that the judge be a resident of Geneva County.

Also:

H. 1043. To make appropriation from the general fund of Coffee County for the relief of the tax assessor of said county for services rendered and costs incurred in the performance of his duties; and to give the county commission discretionary power to expend said funds.

Also:

H. 1046. Relating to Bullock County; providing further for the advertisement of notice of intention to apply for passage of local laws.

Also:

H. 1047. Relating to Bullock County; providing an expense allowance for the coroner.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

UNFINISHED BUSINESS

BILLS ON THIRD READING RESUMED

The Senate then proceeded to consideration of the second item of Unfinished Business for today, which was the Bill:

H. 23. To require moneys received by criminals as a result, directly or indirectly, of the sale of any story, article, book, play, script, et cetera about any portion of their lives or crimes to be paid to the state board of adjustment for distribution to the victims of their crimes; and to prescribe penalties for violation of this act.

And said Bill, H. B. 23, was read a third time at length and passed.

Yeas 24; Nays 3.

Yeas:

Messrs.:	Hall	Little	Pearson
Bailey	Harrison	Martin	Robertson
Callahan	Higginbotham	McDonald	St. John
Cook	Holmes	Miller	Smith
deGraffenried	Kirkland	Mitchem	Vacca
Figures	Lemaster	Parsons	White
Gulledge			—24

Nays: Messrs.: Barron, Denton, Keener. —3

SPECIAL ORDER

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first item of which was the Bill:

H. 56. To amend Section 22-9-30, Code of Alabama 1975, relating to vital statistics so as to further provide for the registration of births by providing for the collection of the normal fee for a birth certificate by the physician, midwife, or other person reporting the birth and the forthwith issuance of a birth certificate by the state registrar.

The Standing Committee on Health and Welfare reported the following amendment to the Bill, H. B. 56, to-wit:

SENATE HEALTH AND WELFARE COMMITTEE
AMENDMENT TO H. 56

Amend H. 56 as follows:

On page 1 in line 27 strike the words: "by the physician,"

and in line 28 strike the words: "midwife, or other person" and before the word "reporting" insert the words and the

On page two, line 8 strike the words "In each case" and strike in their entirety lines 9, 10, 11 and in line 12 strike the words: "accordance with this section."

and in lines 12 and 13 strike the clause: "In each case where there was no physician or midwife in attendance upon the birth" and insert the following: The institution in which the child is born, or in the case the child is not born in an institution then and in line 14 strike the words "the householder or owner of" and strike in their entirety lines 15 and 16 and on line 17 strike the words: "the birth occurred, each in the order named," In lines 19 and 20 strike the words: "In such case and in case the physician, midwife or other" and insert the words: If the In line 35, strike the words: "the physician or midwife or other" and insert the word: the

Which was adopted.

Yeas 18; Nays 0.

Yeas:

Messrs.:	Goodwin	Lemaster	St. John	
Callahan	Hall	McDonald	Smith	
Cook	Harrison	Parsons	Teague	
deGraffenried	Holmes	Pearson	White	
Denton	Kirkland	Robertson		—18

Nays: —0

Mr. McDonald offered the following amendment to the Bill, H. B. 56, as amended, to-wit:

AMENDMENT TO H. B. 56 AS AMENDED

To amend House Bill 56, page 3, line 11, by adding after the period, the following: "The issuance of a certified copy of the birth certificate by the State Registrar may not apply to births where adoption or illegitimation is indicated or where the infant's death occurred a short time following the birth, unless the certificate is requested by the father or mother."

Further amend on page 3, line 19, by striking the words immediately upon and inserting in lieu thereof "October 1, 1979, following."

Which was adopted.

Yeas 22; Nays 0.

Yeas:

Messrs.:	Hall	Little	Robertson	
Britnell	Harrison	Martin	St. John	
deGraffenried	Holmes	McDonald	Smith	
Denton	Keener	Miller	Teague	
Goodwin	Kirkland	Mitchem	White	
Gulledge	Lemaster	Parsons		—22

Nays: —0

And said Bill, H. B. 56, as thus amended, was read a third time at length and passed.

Yeas 22; Nays 0.

Yeas:

Messrs.:	Hall	Lemaster	Parsons	
Bailey	Harrison	Little	St. John	
Britnell	Higginbotham	Martin	Smith	
deGraffenried	Holmes	McDonald	Teague	
Goodwin	Keener	Miller	White	
Gulledge	Kirkland	Mitchem		—22

Nays: —0

The Bill:

H. 18. To further amend Code of Alabama, 1975 Section 40-14-70, which pertains to the taxation of corporate shares of stock by providing in the first paragraph for assessment at twenty percent rather than thirty percent;

by adding the word, "tangible", before the word, "personal"; by rewriting the section beginning with the second paragraph herein to place the provisions of the section in orderly sequence and in consonance with the amendments that have been previously made to the section; by adding the word, "total" before the word, "value"; by omitting the words, "assessed value", and retaining the words, "book value"; by changing the word, "thirty", to "twenty"; replacing the word, "total", with the word, "assessed"; by adding the phrase, "taxable real and tangible personal property owned, assessed, and on which taxes are to be paid by the corporation as shown by such tax return filed by the corporation in the State of Alabama"; by adding the word, "tangible", before the word, "personal" where appropriate; and by changing the word, "taxation" to the word, "stock"; by changing the provisions for deductions of air or water pollution control devices where the air or water pollution control was caused by the domestic corporation; by allowing a deduction for inventory from such taxation.

was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Hall	Little	Proctor
Bailey	Harrison	Martin	Robertson
Barron	Holmes	McDonald	St. John
Britnell	Keener	Miller	Teague
deGraffenried	Kirkland	Mitchem	Vacca
Goodwin	Lemaster	Parsons	White
Gulledge			

—24

Nays: —0

The Bill:

H. 528. Relating to the Transient Occupancy Tax; to increase the rate of said tax in certain counties; and to appropriate the proceeds thereof to the Alabama Mountain Lakes Association and to certain North Alabama counties for travel advertising and promotion; and for such purpose to amend Code of Alabama 1975, Sections 40-26-1 and 40-26-20.

was taken up.

The Standing Committee on Finance and Taxation reported the following amendment to the Bill, H. B. 528, to-wit:

COMMITTEE AMENDMENT TO H. B. 528

Amend House Bill 528 Section 3, page 2, line 33 to read as follows:

Section 3. This act shall become effective immediately upon the first day of the second month following its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Cook	Gulledge	Holmes
Barron	Denton	Hall	Keener
Britnell	Figures	Harrison	Lemaster

Little	Miller	St. John	Teague	
Martin	Mitchem	Smith	White	
McDonald	Robertson			—21

Nays: —0

The Standing Committee on Finance and Taxation then reported the following amendment to the Bill, H. B. 528, as amended, to-wit:

COMMITTEE AMENDMENT TO H. B. 528, AS AMENDED

Amend House Bill 528 on page 2, line 24 to read as follows: After the word "Association" insert:

, after deduction of an agreed upon cost of collection between the counties involved and the state department of revenue, such cost of collection not to exceed five percent,

Which was adopted.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Gulledge	Lemaster	Parsons	
Bailey	Hall	Little	Robertson	
Barron	Harrison	Martin	St. John	
Britnell	Holmes	McDonald	Smith	
Callahan	Keener	Miller	Teague	
Cook	Kirkland	Mitchem	White	
Denton				—24

Nays: —0

And said Bill, H. B. 528, as thus amended, was read a third time at length and passed.

Yeas 22; Nays 0.

Yeas:

Messrs.:	Harrison	Little	Robertson	
Barron	Higginbotham	Martin	St. John	
Britnell	Holmes	McDonald	Smith	
Callahan	Keener	Miller	Teague	
Figures	Kirkland	Mitchem	White	
Hall	Lemaster	Parsons		—22

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The House has non-concurred in the Senate amendment to the bill:

H. 494. This bill amends Section 16-5-1 through 16-5-10, Code of Alabama, 1975, an act to establish the Alabama Commission on Higher Education, so as to change the name of the Commission, to expand the membership of the Commission, to establish the Commission as the statewide long-range planning agency for postsecondary education, to provide the Commission

with the authority of approval for new units or programs of instruction for academic credit, for advisory coordination of research and public service, the authority to regulate off-campus offerings for academic credit, the authority to regulate units or programs of instruction by non-Alabama institutions, to designate the Commission as the state agency responsible for the administration of those titles of the Higher Education Acts of 1965 as amended for those programs requiring a single state agency and those functions under the Southern Regional Education Compact heretofore assigned to the State Board of Education.

And request a Committee on Conference, and the Speaker of the House has named as a Committee on Conference on the part of the House Messrs. Pegues, Dial and Ford.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. White, the Senate acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill, H. B. 494; the title of which is set out in the foregoing Message from the House.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Gulledge	Keener	St. John
Bailey	Hall	Little	Smith
Barron	Harrison	Miller	Teague
Britnell	Higginbotham	Mitchem	Weeks
Callahan	Holmes	Parsons	White

—19

Nays: —0

And the President and Presiding Officer of the Senate appointed as Committee on the part of the Senate, Messrs. Higginbotham, Britnell, and White.

BILLS ON THIRD READING RESUMED

The Bill:

H. 157. To amend Sections 34-27-4, 34-27-31 and 34-27-35 of the Code of Alabama 1975, as amended, Regular Session, 1978, Acts No. 654, pertaining to qualifications for real estate broker and real estate salesmen licensees, so as to establish a "Real Estate Recovery Fund"; to provide procedural rights for aggrieved parties in certain real estate transactions and to provide for the termination of the license of any person against whom a judgment creates a claim against such fund; and to further provide for certain fees and the distribution thereof.

was taken up.

Mr. Mitchem offered the following amendment to the Bill, H. B. 157, to-wit:

AMENDMENT TO H. B. 157

On page 9, Section 1, line 30 delete the period and insert in lieu thereof a semi-colon and add the following: nor shall any provision hereof be construed to prohibit any person from exercising the option of purchasing a bond in the open market payable to the State of Alabama in the amount of $25,000. Said bond shall provide coverage equivalent to the coverage provided by the real estate recovery fund.

On page 17, in line 17, after the period add the following: The provisions of this subsection notwithstanding, no person who has purchased a bond in the open market, payable to the State of Alabama, shall be required to pay into the real estate recovery fund. Upon proof such bond provides coverage equivalent to the coverage provided by the real estate recovery fund, and in an amount not less than $25,000, the commission shall waive any fee for deposit in the real estate recovery fund.

Which was adopted.

Yeas 15; Nays 1.

Yeas:

Messrs.:	Harrison	Little	Parsons
Barron	Higginbotham	Martin	Smith
Callahan	Holmes	Miller	Weeks
Hall	Lemaster	Mitchem	White

—15

Nay: Mr. Gulledge. —1

(The President and Presiding Officer of the Senate declared a quorum present but not voting.)

REPORT OF
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, respectively, and finds same correctly enrolled, to-wit:

S. 54. To authorize the legislature of the State of Alabama to control the usage of certain portions of streets, parking lots and grounds in or near the state capitol complex in the City of Montgomery; and to direct the Chief of Services of the Division of Services to work in cooperation with the legislature as herein provided.

Also:

S. 258. To amend extensively the "Sunset Act of 1976", in particular: Sections 40-20-2 through 40-20-5 and 40-20-10 through 40-20-14 of the Code of Alabama, 1975, as amended, so as to further define and provide for the termination and review of certain agencies regulating occupations and professions; to eliminate numerous agencies from the purview of the provisions of this act with the option of the Sunset Committee to call and schedule agencies for review; to prescribe that the agencies designated herein shall

terminate on a date certain unless each house passes by a majority vote a bill for an act to continue, modify or reestablish the agency; to allow the committee flexibility in its recommendations for the agency under consideration; to reconstitute the membership of the Sunset Committee and to provide for the chairman to be elected from among the membership; to remove certain ex officio members and to add others to the committee; to provide that an agency not voted on by sine die of the legislature in the regular session preceding its scheduled termination shall be terminated and its only allowable function shall be to wind up its affairs; to provide for any licenses issued with expiration dates beyond that of the life of an agency; and to provide the circumstances under which penalties for engaging in professional or occupational activities, when the regulatory agency therefor has been abolished, shall be non-enforceable.

Also:

S. 314. To amend Sections 610 and 630 of Act No. 607, S. 33, Regular Session 1977 (Acts 1977, p. 812), the Alabama Criminal Code, so as to further provide and clarify the instances when a person may use deadly physical force in defense of a person and to further provide and clarify the instances when and the amount of force that may be used in making an arrest or preventing an escape.

Also:

S. 316. To amend Sections 125, 605, 1235, 1245, 2311, 2316, 2610, 2611, 2612, 3203, 3210, 3242, 3243, 4006, 4211, 4540, 4606, 4636, 4637, 4640, 4805, 5005, 5010, 5530, 6106, 6110, and 6115 of Act No. 607, S. 33, Regular Session 1977 (Acts 1977, p. 812), as amended, entitled "An Act To provide an entirely new criminal code for the State of Alabama; defining offenses, fixing punishment; repealing numerous specific code sections and statutes that conflict herewith as well as all other laws that conflict with this act," and to repeal Section 112 of said Act No. 607.

Also:

S. 559. Relating to controlled substances; establishing the Controlled Substances Therapeutic Research Act; providing for the limited distribution of cannabis (also known as "marijuana"), and certain of its derivatives, to qualified patients for defined therapeutic and research purposes; prescribing the qualifications and standards and the procedure for implementation; authorizing the state board of medical examiners to create a review committee; prescribing the membership of such committee; requiring certain reporting and accountability from the committee, the physician and the state board of medical examiners; restricting the distribution and the use of the drug to alleviate the nausea and other ill-effects of cancer chemotherapy, and, additionally, the ill-effects of glaucoma under strictly controlled circumstances; further defining controlled substances, Schedules I and II; providing for cooperation with and authorization to contract with federal agencies for the implementation of the program; and prescribing penalties for violating the provisions of this act.

Also:

S. 625. Relating to Franklin County; providing further for the distribution of the payments made in lieu of ad valorem taxes by the Tennessee Valley Authority as authorized by Section 40-28-2, Code of Alabama 1975.

Also:

S. 627. To amend Section 41-16-50 of the Code of Alabama, 1975, relating to awarding certain public contracts involving $2,000 or more, so as to further provide for circumstances under which the contract may be awarded to other than the lowest bidder; and to make the provisions of the act retroactive.

Also:

S. 639. Relating to Jackson County; to provide for the distribution of funds received by the county from payments in lieu of taxes made by the Tennessee Valley Authority.

ALBERT McDONALD,
Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing report from the Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Joint Resolutions:

H. J. R. 296. CREATING A JOINT LEGISLATIVE COMMITTEE ON ENERGY.

Also:

H. J. R. 274. CREATING A JOINT SELECT LEGISLATIVE COMMITTEE TO STUDY AND PREPARE FOR THE FEASIBILITY OF ESTABLISHING A STATE LOTTERY, SUBJECT TO RATIFICATION BY THE PEOPLE OF A CONSTITUTIONAL AMENDMENT.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bills:

H. 950. Applying only to Talladega County; providing for the creation of a county license inspector and deputy county license inspector; providing for delinquency and citation fees, commissions and penalties allowable to such inspector; providing that all license inspector's fees, commissions and penalties be paid into the county general fund for the use of the county; and repealing all conflicting provisions of law.

Also:

H. 938. Relating to St. Clair County; to levy an additional privilege, license or excise tax upon sellers, distributors, or users of malt or brewed beverages and to provide for the collection and distribution of the proceeds of said tax.

Also:

H. 947. Relating only to Talladega County; levying an additional privilege or license tax on the sale or distribution of malt or brewed beverages within the county; and providing for the method of collection thereof.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 38. To amend Sections 30-2-31, 30-2-50, 30-2-51, 30-2-52 and 30-2-54 and to repeal Section 30-2-53, Code of Alabama 1975, each of which relates to divorce and alimony proceedings, so as to authorize the courts to make an allowance for the support of either spouse out of the estate of the other; to consider the misconduct of either spouse in determining the amount of such allowance and to award attorneys' fees in such proceedings.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has non-concurred in the Senate amendment to the following House Bill:

H. 944. Relating only to Talladega County; providing for the suspension of the use of beer stamps as a method of collecting certain local taxes under certain circumstances; providing for rules and regulations for the collection of such taxes; and further providing for the reimposition of such beer stamp use under certain circumstances.

and requests a committee on Conference.

And the Speaker of the House has appointed as Conferees on the part of the House Reps. Johnson (R. G.), Shoemaker, and Dial.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Teague, the Senate acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the BIll, H. B. 944, the title of which is set out in the foregoing Message from the House.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Lemaster	Proctor	
Bailey	Figures	Little	St. John	
Barron	Glass	Martin	Smith	
Britnell	Goodwin	Miller	Teague	
Callahan	Hall	Mitchem	Weeks	
Clemon	Holmes	Parsons	White	
Cook	Kirkland			—25

Nays: —0

And the President and Presiding Officer of the Senate appointed as Committee on the part of the Senate, Messrs. Teague, Proctor, and H olmes.

FURTHER CONSIDERATION OF H. B. 157

The Senate proceeded to further consideration of the Bill, H. B. 157, as amended.

Mr. Parsons offered the following amendment to the Bill, H. B. 157, as amended, to-wit:

AMENDMENT TO H. B. 157, AS AMENDED

Amend House Bill No. 157 Page 6 Line 8, by striking out after the word "age", "provided however the commission may waive the prohibition that a non citizen of the U.S. cannot be licensed as a salesman or broker."

which was adopted.

Yeas 19; Nays 1.

Yeas:

Messrs.:	Figures	Keener	Parsons	
Barron	Goodwin	Lemaster	St. John	
Britnell	Hall	Martin	Teague	
Callahan	Higginbotham	Miller	Vacca	
Denton	Holmes	Mitchem	White	
				—19

Nay: Mr. McDonald. —1

Mr. Parsons then offered the following amendment ot the Bill, H. B. 157, as amended, to-wit:

AMENDMENT TO H. B. 157, AS AMENDED

Amend House Bill No. 157 Page 9 Line 28, by striking out Twenty-five thousand dollars after the word than and inserting the word "$500,000 Five Hundred Thousand Dollars".

On motion of Mr. White, said amendment was laid on the table.

Yeas 13; Nays 10.

Yeas:

Messrs.:	Gulledge	Mitchem	Weeks	
Bailey	Harrison	Teague	White	
Callahan	Higginbotham	Vacca		—13
Denton	Miller			
Goodwin				

Nays:

Messrs.:	Hall	Kirkland	Martin	
Barron	Holmes	Lemaster	Parsons	
deGraffenried	Keener	Little		—10

Mr. Barron offered the following amendment to the Bill, H. B. 157, as amended, to-wit:

AMENDMENT TO H. B. 157, AS AMENDED

Amend House Bill No. 157 Page 9 Line 31, by striking out the word "not" after the word "shall".

Mr. White moved that said amendment be laid on the table, which motion was lost.

Yeas 11; Nays 12.

Yeas:

Messrs.:	Goodwin	Martin	Vacca	
Bailey	Gulledge	Mitchem	Weeks	
Callahan	Harrison	Teague	White	
				—11

Nays:

Messrs.:	Figures	Keener	Parsons	
Barron	Hall	Lemaster	Robertson	
deGraffenried	Holmes	Little	St. John	
Denton				—12

And said amendment was then adopted.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Figures	Holmes	Parsons	
Bailey	Goodwin	Keener	St. John	
Barron	Gulledge	Kirkland	Teague	
Callahan	Hall	Little	Vacca	
Cook	Harrison	Miller	Weeks	
deGraffenried	Higginbotham	Mitchem	White	
Denton				—24

Nays: —0

Mr. White offered the following amendment to the Bill, H. B. 157, as amended, to-wit:

AMENDMENT TO H. B. 157, AS AMENDED

Amend House Bill No. 157 Page 9 Line 32, by inserting the word "licensed" after the word "a".

Which was adopted.

Yeas 23; Nays 0.

Yeas:

Messrs.:	deGraffenried	Keener	Pearson
Bailey	Denton	Little	St. John
Barron	Goodwin	Martin	Teague
Britnell	Hall	Miller	Vacca
Callahan	Harrison	Mitchem	Weeks
Cook	Higginbotham	Parsons	White

—23

Nays: —0

Mr. Parsons offered the following amendment to the Bill, H. B. 157, as amended, to-wit:

AMENDMENT TO H. B. 157, AS AMENDED

Amend House Bill No. 157 Page 7 Line 24, by striking out after the word for, the words "only actual or" and on line 25, the words "compensatory" "and" and "not".

On motion of Mr. White, said amendment was laid on the table.

Yeas 12; Nays 11.

Yeas:

Messrs.:	Denton	Harrison	Teague
Bailey	Goodwin	Martin	Weeks
Callahan	Gulledge	Mitchem	White
Cook			

—12

Nays:

Messrs.:	Figures	Keener	Miller
Barron	Hall	Lemaster	Parsons
deGraffenried	Holmes	Little	Robertson

—11

Mr. Barron offered the following amendment to the Bill, H. B. 157, as amended, to-wit:

AMENDMENT TO H. B. 157, AS AMENDED

Amend House Bill No. 157 Page 13 Line 27, by striking out the words "credited to the" after the word "and", and substituting in lieu thereof the following:

"disbursed as follows: fifty percent to the general fund and fifty percent to the credit of the"

Which was adopted.

Yeas 18; Nays 0.

Yeas:

Messrs.:	Goodwin	Little	Teague	
Bailey	Gulledge	Martin	Vacca	
Barron	Hall	Miller	Weeks	
Britnell	Harrison	Mitchem	White	
Cook	Holmes	Robertson		—18

Nays: —0

And said Bill, H. B. 157, as thus amended, was read a third time at length and passed.

Yeas 17; Nays 7.

Yeas:

Messrs.:	Goodwin	Lemaster	Teague	
Bailey	Gulledge	Martin	Vacca	
Callahan	Harrison	Miller	Weeks	
Cook	Holmes	Proctor	White	
Denton	Kirkland			—17

Nays:

Messrs.:	deGraffenried	Keener	Parsons	
Barron	Hall	Little	St. John	
				—7

BILL RECONSIDERED

On motion of Mr. Smith, the Senate reconsidered the vote by which the Bill, H. B. 943, as amended, was passed.

On motion of Mr. Smith the Senate reconsidered the vote by which the Bill, H. B. 943, as amended, was ordered to its third reading.

On motion of Mr. Smith, the Senate reconsidered the vote by which the substitute for the Bill, H. B. 943, was adopted.

On motion of Mr. Smith, said substitute was laid on the table.

Mr. Smith then offered the following substitute for the Bill, H. B. 943, to-wit:

SUBSTITUTE FOR H. B. 943

A BILL
TO BE ENTITLED
AN ACT

Relating to Madison County; to provide for the payment of increases in the salaries of county employees in said county; and to earmark a certain portion of the alcoholic beverage tax revenues accruing to said county under the provisions of Sections 40-28-1 through 40-28-3 of the Code of Alabama 1975 for the payment of such salary increases.

Be It Enacted by the Legislature of Alabama:

Section 1. That portion of the alcoholic beverage tax revenues accruing to Madison County under the provisions of Sections 40-28-1 through 40-28-3 of the Code of Alabama 1975 which is in excess of the amount of alcoholic beverage tax revenues received by said county prior to the enactment of said sections is hereby earmarked and shall be expended by the county commission for the payment of increases in the salaries of the county employees of said county. Such salaries shall be increased by the county upon receipt of the first installment of the funds provided under Section 40-28-1 through 40-28-3, Code of Alabama 1975 for one year after the effective date of this act.

Section 2. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Lemaster	Proctor	
Bailey	Figures	Little	Smith	
Barron	Glass	McDonald	Teague	
Britnell	Goodwin	Mitchem	Vacca	
Callahan	Hall	Parsons	Weeks	
Clemon	Holmes	Pearson	White	
Cook	Keener			—25

Nays: —0

And said Bill, H. B. 943, as thus amended by the substitute, was again read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Lemaster	Proctor	
Bailey	Figures	Little	Smith	
Barron	Glass	McDonald	Teague	
Britnell	Goodwin	Mitchem	Vacca	
Callahan	Hall	Parsons	Weeks	
Clemon	Holmes	Pearson	White	
Cook	Keener			—25

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 553. Relating to all cities having populations of not less than 6,000 nor more than 11,999 inhabitants according to the 1970 or any subsequent federal decennial census which have held an advisory referendum election in which the electors have expressed a preference for the election of the city board of education; to provide for the election and tenure of members of the city board of education of any such cities.

Also:

H. 945. Applying only to Talladega County; regulating and identifying certain mobile homes; providing for the use of decals for such purpose; and providing fees and penalties.

Also:

H. 946. Applying only to Talladega County; providing for additional fees on certain business and store licenses required for places of business within the county; and providing for penalties for failure to pay such fees.

Also:

H. 948. To authorize and provide for the establishment, maintenance, operation and financing of a Public Law Library in Talladega County; to authorize the governing body of said County to expend public funds under its control therefor; to provide for the taxing and collection of additional court costs in certain Courts in said County for such purpose and for the expenditure thereof; to designate the officers to accomplish said purpose and to define the powers and duties of such officers with respect thereto, and to designate personnel to operate said Library, or to assist therein, and provide for employment of additional personnel for said purpose, and the payment of salaries of such personnel; and to provide additional funds for the support of law enforcement in Talladega County.

Also:

H. 949. Applying only to Talladega County; providing for additional fees to be assessed against taxpayers delinquent in the payment of ad valorem taxes.

Also:

H. 960. Relating to Rainbow City in Etowah County, so as to amend Act No. 430, S. 660, 1973 Regular Session, (1973 Acts, p. 624) which relates to the compensation of the chairman and board members of the Rainbow City Gas, Water and Sewer Board, so as to provide further for the compensation of such persons.

Also:

H. 1020. Relating to Russell County; to abolish the office of license inspector; to place the powers, duties and functions of said office in the sheriff of said county; to provide for the disposition of fees accruing from the performance of the duties of license inspectors; and to provide the sheriff with employees to carry out the act.

Also:

H. 1038. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Fort Payne, in DeKalb County; to provide for a referendum election on the question of annexation.

Also:

H. 1039. Relating to Chilton County; to amend Act No. 123, H. 362, 1967 Regular Session (Acts 1967, p. 461), relating to pistol permit fees of such county, so as to increase said fees.

Also:

H. 1040. Relating to Chilton County; to provide an additional expense allowance for the members of the county commission.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 386. To make annual appropriations for the support, maintenance, and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1980.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 528. Relating to the Transient Occupancy Tax; to increase the rate of said tax in certain counties; and to appropriate the proceeds thereof to the Alabama Mountain Lakes Association and to certain North Alabama counties for travel advertising and promotion; and for such purpose to amend Code of Alabama 1975, Sections 40-26-1 and 40-26-20.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has non-concurred in the Senate amendment to the following House Bill:

H. 580. To provide up to a 7% cost-of-living increase for all certified employees and full-time support personnel paid from state funds in the elementary-secondary schools, and the Alabama Institute for Deaf and Blind

paid from state funds, and for all full-time academic instructional personnel in the Department of Youth Services paid from state funds, for full-time instructional staff for junior, technical, and community colleges paid from state funds, and to identify the funds from which said cost-of-living increase shall be paid and to provide a procedure for determining availability and paying out of such funds. Also additional funds to Athens State College and the universities.

and requests a committee on Conference.

And the Speaker of the House has appointed as Conferees on the part of the House Reps. Gafford, Carter, and Owens.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Pearson, the Senate acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill, H. B. 580, the title of which is set out in the foregoing Message from the House.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Hall	Miller	St. John	
Barron	Harrison	Mitchem	Teague	
Britnell	Higginbotham	Parsons	Vacca	
Cook	Holmes	Proctor	Weeks	
deGraffenried	Lemaster	Robertson	White	
Goodwin	Little			—21

Nays: —0

And the President and Presiding Officer of the Senate appointed as Committee on the part of the Senate, Messrs. Pearson, St. John, and Smith.

MESSAGE FROM THE HOUSE

Mr. President:

The House has non-concurred in the Senate amendment to the bill:

H. 753. To provide for two clerks in the office of the tax assessor of Bullock County, Alabama; and to fix the method and basis of their employment and compensation.

And requests a Committee on Conference, and the Speaker of the House has named as a Committee on Conference on the part of the House Messrs. Reed, Ray and Cobb.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Weeks, the Senate acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill, H. B. 753, the title of which is set out in the foregoing Message from the House.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Keener	Mitchem	
Bailey	Figures	Kirkland	Pearson	
Barron	Glass	Lemaster	Proctor	
Britnell	Goodwin	Little	St. John	
Callahan	Gulledge	Martin	Teague	
Clemon	Hall	McDonald	Weeks	
Cook	Holmes			—25

Nays: —0

And the President and Presiding Officer of the Senate appointed as Committee on the part of the Senate, Messrs. Weeks, St. John, and Mitchem.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 56. To amend Section 22-9-30, Code of Alabama 1975, relating to vital statistics so as to further provide for the registration of births by providing for the collection of the normal fee for a birth certificate and the reporting the birth and the forthwith issuance of a birth certificate by the state registrar.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 210. To provide for a definition of terms as used in this Act; to provide a statement of Legislative intent; to provide that in all product liability actions, evidence that a plaintiff's medical or hospital expenses claimed as damages have been or will be paid or reimbursed by medical or hospital insurance or pursuant to the medical and hospital payment provisions of the law governing workmen's compensation shall be admissible in evidence; to provide that a plaintiff may introduce evidence of the cost of obtaining reimbursement or payment of such medical or hospital expenses; to provide that a plaintiff may recover as damages a reasonably related portion of the cost of obtaining such medical or hospital payments; to provide that where a plaintiff is obligated to repay such medical or hospital expenses no evidence of payment or reimbursement not otherwise admissible shall be admissible; to provide for the repeal of inconsistent laws or parts of law; to provide for the severability of this Act; and to provide the manner in which this bill becomes law.

JOHN W. PEMBERTON,
Clerk.

BILLS ON THIRD READING RESUMED

The Bill:

H. 17. To further amend Sections 34-7-1, 34-7-4, 34-7-5, 34-7-7, 34-7-11, 34-7-19, 34-7-24, 34-7-40 and 34-7-42 of the Code of Alabama 1975, as amended, and specifically to repeal Sections 34-7-22 and 34-7-23 of the Code of Alabama 1975, as amended, which sections relate to the practice of cosmetology, so as to further regulate the profession.

was taken up.

The Standing Committee on Health and Welfare reported the following amendment to the Bill, H. B. 17, to-wit:

COMMITTEE AMENDMENT TO HOUSE BILL 17

Amend House Bill No. 17 on Page 6, Line 14, by striking the number "3,000" and substituting in lieu thereof "3,600".

On motion of Mr. Robertson, said amendment was laid on the table.

Yeas 18; Nays 5.

Yeas:

Messrs.:	Gulledge	Lemaster	Pearson	
Barron	Hall	Little	Robertson	
Britnell	Higginbotham	Martin	Teague	
Denton	Holmes	Miller	Weeks	
Figures	Kirkland	Parsons		—18

Nays:

Messrs.:	deGraffenried	St. John	White	
Bailey	McDonald			—5

The Standing Committee on Health and Welfare then offered the following amendment to the Bill, H. B. 17, to-wit:

COMMITTEE AMENDMENT TO HOUSE BILL 17

Amend House Bill 17 on page 6, lines 5 through 12, by substituting the following:

"a. For a complete course of cosmetology, consisting of all or the majority of practices thereof in a school of cosmetology, of not less than 1,200 1800 hours of continuous training not to exceed more than eight hours in any one day; provided, however, that the 1800 hour requirement shall apply only to new students entering a cosmetology program after August 1, 1979;

On motion of Mr. Robertson, said amendment was laid on the table.

Mr. Kirkland offered the following amendment to the Bill, H. B. 17, to-wit:

AMENDMENT TO H. B. 17

Amend House Bill No. 17 Page 6 Line 8, by striking out the figures 1800 and inserting in lieu thereof the following: "1500" and on line 10 by striking the figures 1800 and inserting in lieu thereof the following: "1500"

Mr. Hall offered the following substitute amendment for the Kirkland amendment, to the Bill, H. B. 17, to-wit:

SUBSTITUTE AMENDMENT FOR KIRKLAND AMENDMENT TO H. B. 17

Amend House Bill 17, page 6, line 8, by deleting the number "1800" and substituting in its place the number "1200".

Further amend House Bill 17, page 6, line 10, by striking in their entirety lines 10, 11 and 12.

Mr. St. John moved that said substitute amendment be laid on the table, which motion was lost.

Yeas 8; Nays 15.

Yeas:

Messrs.:	Harrison	Miller	St. John
Bailey	McDonald	Proctor	White
deGraffenried			—8

Nays:

Messrs.:	Figures	Lemaster	Robertson
Barron	Hall	Little	Smith
Cook	Holmes	Parsons	Teague
Denton	Kirkland	Pearson	Weeks

—15

Mr. Hall was granted unanimous consent to withdraw his substitute amendment for the Kirkland amendment to the Bill, H. B. 17.

Mr. Hall then offered the following substitute amendment for the Kirkland amendment to the Bill, H. B. 17, to-wit:

SUBSTITUTE AMENDMENT FOR KIRKLAND AMENDMENT TO H. B. 17

Amend Kirkland amendment to House Bill No. 17 Page 6 Line 8, by striking out 1800 after the word than—and inserting 1400

And on line 10 after the word (the) strike out 1800 and insert 1400

Which was adopted.

And said Kirkland amendment, as thus amended, to the Bill, H. B. 17, was then adopted.

Yeas 18; Nays 3.

Yeas:

Messrs.:	Gulledge	Little	St. John
Barron	Hall	Martin	Vacca
Britnell	Holmes	Miller	Weeks
deGraffenried	Keener	Mitchem	White
Goodwin	Kirkland	Robertson	—18

Nays: Messrs.: Cook, Proctor, Teague. —3

Mr. Hall offered the following amendment to the Bill, H. B. 17, as amended, to-wit:

AMENDMENT TO H. B. 17 AS AMENDED

Amend House Bill No. 17 Page 7 Line 11, by striking out 16 after the word "least" and inserting 15

and on line 13 striking out "10" after the word "of" and inserting "9"

Which was adopted.

Yeas 18; Nays 9.

Yeas:

Messrs.:	Gulledge	Kirkland	Robertson	
Barron	Hall	Lemaster	Smith	
Britnell	Higginbotham	Little	Teague	
Denton	Holmes	Parsons	Weeks	
Goodwin	Keener	Pearson		—18

Nays:

Messrs.:	Harrison	Miller	St. John	
Cook	Martin	Proctor	White	
deGraffenried	McDonald			—9

Mr. Weeks offered the following amendment to the Bill, H. B. 17, as amended, to-wit:

AMENDMENT TO H. B. 17, AS AMENDED

Amend H. B. 17 Page 12 Line 15, by striking out one year after the word within and inserting "60 days"

Which was adopted.

Yeas 18; Nays 9.

Yeas:

Messrs.:	Gulledge	Kirkland	Robertson	
Barron	Hall	Lemaster	Smith	
Britnell	Higginbotham	Little	Teague	
Denton	Holmes	Parsons	Weeks	
Goodwin	Keener	Pearson		—18

Nays:

Messrs.:	Harrison	Miller	St. John	
Cook	Martin	Proctor	White	
deGraffenried	McDonald			—9

Mr. Robertson offered the following amendment to the Bill, H. B. 17, as amended, to-wit:

AMENDMENT TO H. B. 17, AS AMENDED

Amend House Bill No. 17 Page 2 Line 22, by inserting a period after the word person, and striking out the rest of Section one.

Which was adopted.

Yeas 18; Nays 9.

Yeas:

Messrs.:	Gulledge	Kirkland	Robertson	
Barron	Hall	Lemaster	Smith	
Britnell	Higginbotham	Little	Teague	
Denton	Holmes	Parsons	Weeks	
Goodwin	Keener	Pearson		—18

Nays:

Messrs.:	Harrison	Miller	St. John	
Cook	Martin	Proctor	White	
deGraffenried	McDonald			—9

Mr. Robertson then offered the following amendment to the Bill, H. B. 17, as amended, to-wit:

AMENDMENT TO H. B. 17, AS AMENDED

Amend House Bill No. 17 Page 2 Line 32, by inserting a period after the word person and striking out the words, or who applies artificial or sculptured nails,

Which resulted in a tie vote.

Yeas 11; Nays 11.

Yeas:

Messrs.:	Callahan	Hall	Robertson	
Barron	Denton	Holmes	Teague	
Britnell	Goodwin	Keener	Weeks	
				—11

Nays:

Messrs.:	Little	Miller	Proctor	
Cook	Martin	Mitchem	St. John	
deGraffenried	McDonald	Parsons	White	
				—11

The President and Presiding Officer of the Senate voted "Aye", therefore said amendment was then adopted.

And said Bill, H. B. 17, as thus amended, was read a third time at length and passed.

Yeas 29; Nays 0.

Yeas:

Messrs.:	Goodwin	Martin	Robertson	
Barron	Hall	McDonald	St. John	
Britnell	Harrison	Miller	Smith	
Callahan	Holmes	Mitchem	Teague	
Cook	Keener	Parsons	Vacca	
deGraffenried	Kirkland	Pearson	Weeks	
Denton	Lemaster	Proctor	White	
Figures	Little			—29

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 247. To amend Sections 23-1-271 through 23-1-273 and 23-1-280 of the Code of Alabama 1975, as amended, relating to the "Highway Beautification Act—Outdoor Advertising," so as to delay the removal of all nonconforming motorist directional signs until all other nonconforming signs have been removed and to provide exemption from removal for certain motorist directional signs where such removal would cause a substantial negative economic impact in a defined area, and to ensure that in situations where just compensation must be paid for sign removal, that payment is made by the responsible removing authority; and to provide an effective date.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 321. To amend Section 32-5-2, Code of Alabama 1975, so as to require owners of real property used for public vehicular travel to meet certain traffic control requirements.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 397. To amend Title 44, Chapter 2 of the Code of Alabama 1975 by adding thereto The Interstate Compact on the Placement of Children.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 386. To make annual appropriations for the support, maintenance, and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1980.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate.

S. 109. To provide for definition of terms as used in this Act; to provide a statement of Legislative intent; to provide a comprehensive system of time limitations for the commencement and maintenance of product liability actions; to provide that all product liability actions must be commenced within one (1) year from the time the personal injury, death or property damage occurs; to provide that where the personal injury is a result of insidious disease, the action must be commenced within one (1) year of the date such injury was or in the exercise of reasonable diligence should have been discovered; to provide that a product liability action must be brought, in any event, within eight (8) years of the date the product was put to use; to provide that time limitations provided herein may be waived by express written agreement; to provide that product liability actions arising from the breach of a duty to take or not to take certain actions with respect to a product, coinciding with the failure by the defendant to comply with a government requirement to take or not to take such action, may be brought within one (1) year of the time the personal injury, death or property damage arising from such failure occurs; to provide that such actions resulting from insidious disease may be brought within one (1) year from the date such personal injury was or in the exercise of reasonable diligence should have been discovered; to provide that such actions must be brought in any event within eight (8) years from the date of the imposition of the governmental requirements; to provide that the provisions of this Act are inseparable and nonseverable; to provide that this Act shall not be retroactive; and to provide a manner in which this bill becomes law.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Goodwin, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 109, the title of which is set out in the foregoing Message from the House, to-wit:

HOUSE AMENDMENT TO S. B. 109

In the title, page 1, lines 21 and 34, strike the words and figures "eight (8)" and insert in lieu thereof:

ten (10)

In Section 3 (b), page 4, lines 17 and 18, and in Section 3 (d) (3), page 5, line 33, strike the words and figures "eight (8)" and insert in lieu thereof:

ten (10)

Yeas 26; Nays 0.

Yeas:

Messrs.:	Hall	Martin	St. John	
Barron	Harrison	McDonald	Smith	
Britnell	Holmes	Miller	Teague	
deGraffenried	Keener	Mitchem	Vacca	
Denton	Kirkland	Pearson	Weeks	
Goodwin	Lemaster	Proctor	White	
Gulledge	Little	Robertson		—26

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The House has reconsidered the Motion to non-concur in the Senate amendment and a Conference Committee be appointed on House Bill;

H. 944. Relating only to Talladega County; providing for the suspension of the use of beer stamps as a method of collecting certain local taxes under certain circumstances; providing for rules and regulations for the collection of such taxes; and further providing for the reimposition of such beer stamp use under certain circumstances.

Said motion having passed, the House concurred in the Senate amendment to the Bill.

JOHN W. PEMBERTON,
Clerk.

RESOLUTIONS

Messrs. Smith, McDonald, and Lemaster offered the following Senate Joint Resolution, to-wit:

S. J. R. 151. COMMENDING THE STUDENTS OF GRISSOM HIGH SCHOOL, HUNTSVILLE, ALABAMA, ON THE ESTABLISHMENT OF AN ANNUAL "HONOR AMERICA DAY."

WHEREAS, during our Bicentennial Year, 1976, a group of Grissom High School students conceived a most signal celebration of this momentous anniversary of our nation's birth; and

WHEREAS, that year Mr. George Newby's history students combined a birthday party for America with a Thanksgiving feast; the celebration, held in their classroom, had for its theme "Our Town," with local public officials invited for this special occasion; and

WHEREAS, as a result of this special program honoring America, both parents and city officials alike were charged with the enthusiasm and love-of-country expressed by these young Huntsville, Alabama, students; and

WHEREAS, the event grew bigger and more elaborate each year until, in 1978, "Think America In November" was endorsed by the Instructional Department of the Huntsville City Schools and special programs were developed throughout the entire system; and

WHEREAS, to further share and spread "Caring About America" throughout all states in the Union, the Huntsville City Board of Education, by resolution, established a program for the nation with the first of annual celebrations to be held November 21, 1979; and

WHEREAS, a student and teacher, from each of our 50 states, who exemplify the teaching/learning process in Americanism, will be invited to attend, as well as the chief state school officer and a high public official of each state; and

WHEREAS, members of the Alabama Legislature are in total and complete accord that ". . . the fate of the nation is tomorrow, and the student of today will choose what tomorrow will be"; we further stand in tribute to the outstanding patriotism and love as evidenced by the young Grissom High School students in whose hearts "Caring About America" first began; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we wholeheartedly applaud and endorse both the concept and reality of "Honor America Day", and most highly commend all those responsible for its being.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the Huntsville City Board of Education with a copy also provided for appropriate display at Grissom High School in Huntsville, Alabama.

On motion of Mr. Smith, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Teague offered the following Senate Joint Resolution, to-wit:

S. J. R. 152. Establishing Joint Interim Committee on Electricity

WHEREAS, it is deemed desirable (1) to assure the most efficient, economical and orderly rendition of electric service within the State of Alabama, (2) to minimize the duplication of electric service, (3) to encourage the extension and location of electric power delivery facilities in a manner most compatible with the state's economic development and enhancement of its physical environment and (4) to preserve the economic values inherent in electric power delivery facilities heretofore and hereafter lawfully constructed by electric power suppliers; and

WHEREAS, it is the recognized policy of this state to avoid wasteful uneconomic duplication of electric facilities, the cost of which must be borne by the customer; and

WHEREAS, it is deemed appropriate and desirable that the State establish and implement a procedure whereby territorial and/or duplication problems in the area of electric power distribution can be solved in a manner that is fair and equitable to the three principal distributors of electricity, vis, investor owned electric utilities, rural electric cooperatives and municipal electric systems; and

WHEREAS, it is the desire of this Legislature to establish a Joint Interim Committee to work with appropriate segments of the electric power industry in the state in an attempt to devise fair and equitable legislation protective of the legitimate purposes and economic considerations affecting each electric power supplier;

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that a Joint Interim Committee shall be established and conducted as follows:

1. The Committee shall consist of three members of the House of Representatives and three members of the Senate. The three members of the Committee from the House shall be appointed by the Speaker of the House and the three members from the Senate shall be appointed by the Lieutenant Governor. The members of the Committee shall choose a chairman.

2. The Committee shall have authority to employ research assistance. The Clerk of the House and the Secretary of the Senate shall provide secretarial assistance. The members of the Committee shall receive the same pay, per diem and travel expenses that is received when the Legislature is in session; provided, however, that the Committee shall not meet a total of more than twelve days.

3. The Committee shall consult with appropriate representatives of investor-owned electric utilities, rural electric cooperatives and municipal electric systems outside the Tennessee Valley Authority service area and shall attempt, in working with them, to devise proposed legislation consistent with the recitals contained in the foregoing WHEREAS clauses. The Committee shall only propose legislation if it is able to devise fair and equitable legislation satisfactory to investor-owned utilities, electric cooperatives and municipal electric systems operating in the State. If the Committee is unable to devise legislation satisfactory to these three industry segments, it shall propose no legislation. The Committee shall report any suggested legislation it may devise to the Legislature no later than February 1, 1980.

4. The Committee shall be funded from moneys appropriated to the use of the Legislature but its sole expenses shall not exceed the amount of $7,000.

BE IT FURTHER RESOLVED that copies of this Resolution be provided to the Secretary of the Senate and the Clerk of the House of Representatives.

Which was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 274. CREATING A JOINT SELECT LEGISLATIVE COMMITTEE TO STUDY AND PREPARE FOR THE FEASIBILITY OF ESTABLISHING A STATE LOTTERY, SUBJECT TO RATIFICATION BY THE PEOPLE OF A CONSTITUTIONAL AMENDMENT.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 528. Relating to the Transient Occupancy Tax; to increase the rate of said tax in certain counties; and to appropriate the proceeds thereof to the Alabama Mountain Lakes Association and to certain North Alabama counties for travel advertising and promotion; and for such purpose to amend Code of Alabama 1975, Sections 40-26-1 and 40-26-20.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, and House Joint Resolution, your signature thereto is requested.

H. 23. To require moneys received by criminals as a result, directly or indirectly, of the sale of any story, article, book, play, script, et cetera about any portion of their lives or crimes to be paid to the state board of adjustment for distribution to the victims of their crimes; and to prescribe penalties for violation of this act.

Also:

H. 38. To amend Sections 30-2-31, 30-2-50, 30-2-51, 30-2-52 and 30-2-54 and to repeal Section 30-2-53, Code of Alabama 1975, each of which relates to divorce and alimony proceedings, so as to authorize the courts to make an allowance for the support of either spouse out of the estate of the other; to consider the misconduct of either spouse in determining the amount of such allowance and to award attorneys' fees in such proceedings.

Also:

H. 206. Relating to the regulation of the practice of podiatry in Alabama; further amending certain definitions and adding another definition; amending the make up of the State Board of Podiatry; amending the requirements for the renewal of licenses; amending Sections 34-24-230, 34-24-250, and 34-24-275, Code of Alabama, 1975.

Also:

H. 493. To amend Section 34-26-2, Code of Alabama 1975, which relates to confidential relations and communications between licensed psychologists and their clients, so as to include psychiatrists within this privilege.

Also:

H. 551. To further authorize and empower the Department of Pensions and Security to operate child support programs, locate absent parents, establish paternity, enforce child support obligations, to collect and distribute support payments, and to conform with certain provisions of the Social Security Act, as amended, in order to obtain maximum benefits under the Social Security Act, as amended; and to prescribe penalties.

Also:

H. 803. To amend Section 41-9-325, Code of Alabama 1975, so as to give the Tannehill Furnace and Foundry Commission the specific power to make and alter rules and regulations governing the Tannehill Historical State Park; to make the violation of such rules a misdemeanor; and to give the commission police power over the park premises.

Also:

H. 938. Relating to St. Clair County; to levy an additional privilege, license or excise tax upon sellers, distributors, or users of malt or brewed beverages and to provide for the collection and distribution of the proceeds of said tax.

H. 947. Relating only to Talladega County; levying an additional privilege or license tax on the sale or distribution of malt or brewed beverages within the county; and providing for the method of collection thereof.

Also:

H. 950. Applying only to Talladega County; providing for the creation of a county license inspector and deputy county license inspector; providing for delinquency and citation fees, commissions and penalties allowable to such inspector; providing that all license inspector's fees, commissions and penalties be paid into the county general fund for the use of the county; and repealing all conflicting provisions of law.

Also:

H. 18. To further amend Code of Alabama, 1975 Section 40-14-70, which pertains to the taxation of corporate shares of stock by providing in the first paragraph for assessment at twenty percent rather than thirty percent; by adding the word, "tangible", before the word, "personal"; by rewriting the section beginning with the second paragraph herein to place the provisions of the section in orderly sequence and in consonance with the amendments that have been previously made to the section; by adding the word, "total" before the word, "value"; by omitting the words, "assessed value", and retaining the words, "book value"; by changing the word, "thirty", to "twenty"; replacing the word, "total", with the word, "assessed"; by adding the phrase, "taxable real and tangible personal property owned, assessed, and on which taxes are to be paid by the corporation as shown by such tax return filed by the corporation in the State of Alabama"; by adding the word, "tangible", before the word, "personal" where appropriate; and by changing the word, "taxation" to the word, "stock"; by changing the provisions for deductions of air or water pollution control devices where the air or water pollution control was caused by the domestic corporation; by allowing a deduction for inventory from such taxation.

Also:

H. J. R. 296. CREATING A JOINT LEGISLATIVE COMMITTEE ON ENERGY.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills and House Joint Resolution, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 56. To amend Section 22-9-30, Code of Alabama 1975, relating to vital statistics so as to further provide for the registration of births by providing for the collection of the normal fee for a birth certificate and the reporting the birth and the forthwith issuance of a birth certificate by the state registrar.

Also:

H. 944. Relating only to Talladega County; providing for the suspension of the use of beer stamps as a method of collecting certain local taxes under certain circumstances; providing for rules and regulations for the collection of such taxes; and further providing for the reimposition of such beer stamp use under certain circumstances.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

BILLS ON THIRD READING RESUMED

The Bill:

H. 294. To amend Section 2, Subsection III (a) (9) (c) of Act No. 597, H. 244 of the 1978 Regular Session, which act makes appropriations from various funds of the State for the ordinary expenses of the executive, legislative and judicial functions of government for the fiscal year ending September 30, 1979, so as to increase the A. B. C. Board appropriation in the Administrative Services Program by $1,000,000.

was read a third time at length and passed.

Yeas 22; Nays 0.

Yeas:

Messrs.:	Gulledge	Lemaster	Robertson	
Barron	Hall	Little	St. John	
Cook	Harrison	Martin	Smith	
deGraffenried	Holmes	McDonald	Vacca	
Denton	Keener	Pearson	Weeks	
Goodwin	Kirkland	Proctor		—22

Nays: —0

The Bill:

H. 239. To provide for the granting of up to five (5) years creditable service under the Teachers' Retirement System of Alabama for employment-service in public education rendered in states other than Alabama; to provide further for the granting of up to five (5) years creditable service under the Employees' Retirement System of Alabama for public employment rendered in states other than Alabama; to provide for the methods and procedures to calculate the member contributions required to purchase such credit and the conditions for eligibility; and to provide that the member shall pay the total cost for such credit.

was taken up.

Mr. Hall offered the following substitute for the Bill, H. B. 239, to-wit:

SUBSTITUTE FOR H. B. 239

A BILL
TO BE ENTITLED
AN ACT

To provide for the granting of up to five (5) years creditable service under the teachers' and state employees' retirement systems of Alabama for employment service rendered in states other than Alabama; and for female residents employed in the educational field within the state who resigned due to pregnancy or who took leave with loss of pay due to pregnancy and later returned to service; to further provide for the methods and procedures to calculate the member contributions required to purchase such credit and the conditions for eligibility and to provide that the member shall pay the total cost for such credit.

Be It Enacted by the Legislature of Alabama:

Section 1. (a) Any member of the teachers' or state employees' retirement system of Alabama shall be eligible to receive up to five (5) years of creditable service for employment service in states other than Alabama, provided that the member of the retirement system claiming such credit complies with the conditions prescribed in subsection (b) of this section.

(b) A member of the teachers' or state employees' retirement system of Alabama, eligible under subsection (1) of this section, may receive credit for employment service rendered in states other than Alabama as provided in subsection (a), provided that as conditions precedent to the receipt of such credit:

(1) such member shall contribute prior to the date of his retirement, to the teachers' or state employees' retirement system, as the case may be, for each year of out-of-state employment service credit, a percentage of his current annual earnable compensation; the applicable percentage of said annual earnable compensation shall be the sum of the prevailing percentage rates of employer and member contributions, as required by the most recent actuarial valuation;

(2) the respective teachers' or state employees' retirement system of such other state shall certify in writing to the teachers' or state employees' retirement of Alabama that the member had credit under said retirement system for the service claimed;

(3) the member shall claim, purchase and receive credit for out-of-state employment service in increments of not less than one (1) year, unless such member's total or balance of out-of-state service is less than one (1) year, in which event, he shall claim and purchase credit for the entire period.

(c) Any female resident employed within the state who resigned due to pregnancy and later returned to work or who took leave with loss of pay due to pregnancy and later returned to service shall be eligible to receive up to five (5) years of creditable service in the teachers' or state employees' retirement system of Alabama. Such employee shall receive one year of creditable service for each time maternity leave is taken or for each instance resignation is given due to pregnancy.

Such member shall contribute prior to the date of her retirement, to the teachers' or state employees' retirement system, a percentage of her current annual earnable compensation; the applicable percentage of said annual earnable compensation shall be the sum of the prevailing percentage rates of employer and member contributions, as required by the most recent actuarial valuation.

Section 2. Any person who is retired under the state employees' or teachers' retirement system of Alabama may receive credit for out-of-state service under the same conditions as are provided herein for any active member, except that, in lieu of current compensation, the contribution shall be based on his average final salary at the time of retirement; and provided such person was retired on or before the effective date of this act; and provided further that such retired person makes his contribution in a lump sum prior to the expiration of a period being one (1) year next following the effective date of this act. Any retirant so claiming and contributing the amount herein required shall have his retirement allowance redetermined on the basis of such additional creditable service, provided that any increase in such retirant's retirement allowance shall be payable to him only throughout his life and shall not affect, alter, increase, decrease, or in any other way change the amount payable to such retirant's estate or designated beneficiary or surviving spouse, except under the provisions of Option 1, of Section 16-25-14 or Section 36-27-16, Code of Alabama 1975, whereunder the contributions made pursuant to this act shall be treated as part of the retirant's accumulated contributions.

Section 3. Anything in this act to the contrary notwithstanding, a member shall not receive credit for such out-of-state service where at the time of retirement he has credit or is entitled to any benefits whatsoever for the same service under any other retirement or pension plan, provided that nothing herein shall be construed to apply to participation in the federal

social security program. In the event of disqualification of out-of-state service credit, or credit granted to females due to pregnancy, contributions made under this act by the member shall be refunded to him or her.

Section 4. The teachers' or state employees' retirement system may deduct from the first twelve months' checks due the teacher or state employee an amount, as may be determined by the Board of Control and Actuary, which may be necessary to pay any and all administrative cost incurred by the respective retirement system. Such deduction shall be in twelve equal installments. These amounts should be predetermined and such costs should be made available to participants at the time of qualification.

Section 5. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are hereby repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

On motion of Mr. Miller, said substitute was laid on the table.

Yeas 14; Nays 10.

Yeas:

Messrs.:	Goodwin	McDonald	Teague	
Callahan	Harrison	Miller	Weeks	
Cook	Lemaster	Mitchem	White	
Denton	Martin	St. John		—14

Nays:

Messrs.:	Figures	Keener	Proctor	
Barron	Hall	Little	Robertson	
deGraffenried	Holmes	Pearson		—10

And said Bill, H. B. 239, was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Gulledge	Martin	Proctor	
Barron	Hall	McDonald	Robertson	
Callahan	Harrison	Miller	St. John	
deGraffenried	Holmes	Mitchem	Teague	
Denton	Keener	Parsons	Weeks	
Figures	Lemaster	Pearson	White	
Goodwin	Little			—25

Nays: —0

Mr. Teague moved that the Senate reconsider the vote by which the Bill, H. B. 239, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

RESOLUTION

Mr. Miller offered the following Senate Joint Resolution, to-wit:

S. J. R. 153. EXPRESSING APPRECIATION TO THE MOBILE HOUSE AND SENATE DELEGATION AND TO THE ALABAMA SHERIFFS ASSOCIATION.

WHEREAS, "seafood" is now pronounced "Bayley's" by the Alabama Legislature and staff, following a sumptuous seafood cookout, catered by the incomparable Bayley's of Mobile, Alabama, on July 18, 1979; and

WHEREAS, grateful guests enjoyed a bountiful feast, varied as to selection but consistently delicious and totally in keeping with Bayley's reputation throughout the entire State of Alabama and the Southeast as well; and

WHEREAS, the delicious meal was surpassed only by the generosity of those who so thoughtfully hosted an occasion which will be long remembered by all those in attendance; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most gratefully express our deep appreciation both for the seafood dinner and for the thoughtfulness of the Mobile House and Senate Delegation and all members of the Alabama Sheriffs Association.

BE IT FURTHER RESOLVED, That copies of this resolution be presented to the Mobile Delegation, to Sheriff Tom Purvis as president of the Alabama Sheriffs Association, with a copy also provided for Bayley's of Mobile in token of appreciation and praise for their part in the inimitable success of the Seafood Capitol Cookout.

On motion of Mr. Miller, the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 347. To authorize the mayor or other chief executive officer of any municipality in this state to appoint a parole board, its members and term of office, and to prescribe duties thereof and to parole officers in granting and revoking paroles and work or educational releases; to confer powers of arrest upon parole officers, with or without warrant.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the Alabama Water Improvement Commission.

Respectfully submitted,

JAMES E. FOY,
Executive Secretary.

Done this 19th day of July, 1979.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Mr. Taney A. Brazeal, Sr., Fairhope, Alabama, as a member of the Alabama Water Improvement Commission for the unexpired term of Mr. Sam Dyson, resigned, ending December 1, 1981.

Respectfully,

FOB JAMES,
Governor.

Done this 19th day of July, 1979.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Govrnor, relative to an appointment to the Alabama Water Improvement Commission, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to appointments to the Board of Trustees of Alabama A & M University.

Respectfully submitted,

JAMES E. FOY,
Executive Secretary.

Done this 19th day of July, 1979.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Mr. Robert Hughes, Florence, Alabama, for a term expiring January 31, 1984, and Mr. Paul Thompson, Huntsville, Alabama for the unexpired term of Mr. John Cantalow, Jr., ending January 31, 1984, as members of the Board of Trustees of Alabama A & M University.

Respectfully,

FOB JAMES,
Governor.

Done this 19th day of July, 1979.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Board of Trustees of Alabama A & M University, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 443. To further regulate architects and the practice of architecture and to repeal sections 34-2-1 through 34-2-24, Code of Alabama 1975.

Also:

S. 451. To prohibit possession of a firearm at demonstrations by anyone other than an on duty law enforcement officer, and prescribe penalties for violations of this Act.

Also:

S. 572. To amend Sections 16-30-1 and 16-30-4, Code of Alabama 1975, relating to the immunization of school children, so as to require any student who has not been immunized upon initial entry into a school in Alabama, must show proof of immunization at the commencement of the next school year.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 239. To provide for the granting of up to five (5) years creditable service under the Teacher's Retirement System of Alabama for employment-service in public education rendered in states other than Alabama; to provide further for the granting of up to five (5) years creditable service under the Employees' Retirement System of Alabama for public employment rendered in states other than Alabama; to provide for the methods and procedures to calculate the member contributions required to purchase such credit and the conditions for eligibility; and to provide that the member shall pay the total cost for such credit.

Also:

H. 294. To amend Section 2, Subsection III (a) (9) (c) of Act No. 597, H. 244 of the 1978 Regular Session, which act makes appropriations from various funds of the State for the ordinary expenses of the executive, legislative and judicial functions of government for the fiscal year ending September 30, 1979, so as to increase the A. B. C. Board appropriation in the Administrative Services Program by $1,000,000.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

BILLS ON THIRD READING RESUMED

The Bill:

H. 337. To promote temperance by regulating the sale of alcoholic beverages; to authorize the Alabama alcoholic beverage control board to permit the handling and sale of table wine, containing not more than 14% alcohol by volume, by its licensees; to define terms, including wine, table wine, fortified wine or vinous liquor, manufacturer, wine wholesaler and wine retailer; to provide for the licensing of wine manufacturers, wine wholesalers and wine retailers by Alabama alcoholic beverage control board; to impose state filing fees thereon and to levy state license fees on wine wholesalers and retailers; to authorize the levy of county and municipal license fees thereon; to impose exclusive statewide tax on or measured by the sale of table wine and provide for the collection, administration and distribution thereof; to proscribe violations and offenses, and provide for the imposition of fines and the suspension or revocation of licenses.

was taken up.

Mr. Harrison offered the following amendment to the Bill, H. B. 337, to-wit:

AMENDMENT TO H. B. 337

Amend House Bill No. 337, Page 9 Lines 16-21, by striking out the entire sentence after the word wine.

On motion of Mr. Callahan, said amendment was laid on the table.

Yeas 18; Nays 4.

Yeas:

Messrs.:	Gulledge	McDonald	Smith	
Callahan	Higginbotham	Mitchem	Vacca	
deGraffenried	Keener	Parsons	Weeks	
Figures	Little	Proctor	White	
Goodwin	Martin	Robertson		—18

Nays: Messrs. Denton, Harrison, Kirkland, Teague. —4

Mr. Teague offered the following amendment to the Bill, H. B. 337, to-wit:

AMENDMENT TO HOUSE BILL 337

Amend House Bill 337, Page 5, Section 9, Lines 5-9 by striking the following sentence:

"Provided, however, said county or municipality shall levy no license or privilege tax, or other charge for the privilege of doing business as a wine wholesaler, which shall exceed one-half the amount of the state license fee levied under the provisions of this Section for like privilege."

Mr. Callahan moved that said amendment be laid on the table, which motion was lost.

Yeas 8; Nays 19.

Yeas:

Messrs.:	Goodwin	Keener	Weeks
Callahan	Gulledge	Vacca	White
Cook			—8

Nays:

Messrs.:	Denton	Kirkland	Proctor
Bailey	Hall	Little	Robertson
Barron	Harrison	Martin	St. John
Britnell	Higginbotham	McDonald	Smith
deGraffenried	Holmes	Mitchem	Teague

—19

On motion of Mr. Callahan, consideration of the Bill, H. B. 337 and pending amendment, was postponed until the next Legislative Day as Unfinished Business.

The Bill:

H. 148. To amend Code of Alabama 1975, Sections 40-20-2 and 40-20-8, so as to increase the rate of tax; to provide further for distribution of the proceeds of the tax; and to provide certain exemptions from the increased rate.

was taken up.

Mr. Kirkland offered the following amendment to the Bill, H. B. 148, to-wit:

AMENDMENT TO H. B. 148

Amend H. B. 148 as follows:

In Section 3, page 5, line 21, insert the following language in lieu thereof and renumber the subsequent sections:

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Which was adopted.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Kirkland	Mitchem	Smith
Britnell	Lemaster	Parsons	Teague
deGraffenried	Little	Proctor	Vacca
Denton	Martin	Robertson	Weeks
Gulledge	McDonald	St. John	White
Holmes	Miller		—21

Nays: —0

And said Bill, H. B. 148, as thus amended, was read a third time at length and passed.

Yeas 17; Nays 0.

Abstaining 3.

Yeas:

Messrs.:	Holmes	Miller	Smith	
Britnell	Kirkland	Mitchem	Vacca	
Cook	Lemaster	Proctor	Weeks	
Denton	Martin	Robertson	White	
Hall	McDonald			—17

Nays: —0

Abstaining: Messrs.: deGraffenried, Little, Parsons. —3

The Bill:

H. 758. To ratify the action of cities or towns in awarding and proceeding under contracts for improvements, the cost of which is to be assessed against the property drained, served or benefited by such improvements, when bids for the construction of such improvements were received and contracts were awarded and executed before the holding of the protest meeting required by Section 11-48-8 of the CODE OF ALABAMA 1975, and to state the limitations on such ratification.

was read a third time at length and passed.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Higginbotham	McDonald	Robertson	
Barron	Holmes	Miller	Smith	
Britnell	Kirkland	Mitchem	Teague	
Cook	Lemaster	Parsons	Vacca	
Denton	Little	Proctor	White	
Gulledge	Martin			—21

Nays: —0

The Bill:

H. 151. To create an additional judgeship for the Tenth Judicial Circuit of Alabama; to provide for the election of such judge; to prescribe the jurisdiction, powers, authority, qualifications, duties and compensation of such judge, and to render such judge liable to all the pains and penalties of other Circuit Judges in the State; to further provide for a division of authority and duties between judgeships in said Circuit; to increase the number of Circuit Judges in the Tenth Judicial Circuit of Alabama to 20; to repeal all laws or parts of laws in conflict herewith; to amend Section 12-17-20 of the 1975 Code of Alabama; to eliminate one district judgeship in the Birmingham District of Jefferson County; and to provide the effective date of this Act.

was taken up.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, H. B. 151, to-wit:

FINANCE AND TAXATION SUBSTITUTE
FOR H. B. 151

A BILL
TO BE ENTITLED
AN ACT

To create an additional judgeship for the Tenth Judicial Circuit of Alabama; to provide for the election of such judge; to prescribe the jurisdiction, powers, authority, qualifications, duties, and compensation of such judge, and to render such judge liable to all the pains and penalties of other Circuit Judges in the State; to further provide for a division of authority and duties between judgeships in said Circuit; to increase the number of Circuit Judges in the Tenth Judicial Circuit of Alabama to 20; to repeal all laws or parts of laws in conflict herewith; to amend Section 12-17-20 of the 1975 Code of Alabama; to eliminate one district judgeship in the Birmingham District of Jefferson County; and to provide the effective date of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby created the office of Circuit Judgeship No. 20 of the Tenth Judicial Circuit of Alabama, which shall be in addition to the judgeships of said Circuit now existing. The first judge of said additional Circuit Judgeship No. 20 shall be appointed in the manner provided by Amendment 83 and 110 to the Constitution of Alabama and shall hold office until his successor has been elected and qualified as provided by law. The judge of said Circuit Judgeship No. 20 shall be elected for the same term of office as other circuit judges are elected in the State as provided by Section 6.14 and Amendment 328.

Section 2. The Judge of said Circuit Judgeship No. 20 shall have and exercise all of the jurisdiction, powers, rights, and authority and possess all the qualifications, perform all the duties, and be subject to the pains, obligations, and penalties that other circuit judges may exercise, perform, or be subject to, and shall sit in that Division of said circuit in which the circuit judges number 1 through 4, 6 through 11, and 13 through 18, sit and perform the same duties in said Division as performed by said circuit judges numbered 1 through 4, 6 through 11, and 13 through 18.

Section 3. The additional circuit judge provided for in this Act shall receive the same salary, and supplements payable in the same manner, as other Circuit Court Judges in the Tenth Judicial Circuit.

Section 4. Section 12-17-20 of the 1975 Code of Alabama is amended to read as follows:

"§ 12-17-20. (a) Except as otherwise provided in this section, each judicial circuit of the state shall have one resident circuit judge.

"(b) In the following judicial circuits, there shall be the number of resident circuit judges listed below:

"(1) There shall be two circuit judges in the first judicial circuit. The judge occupying judgeship No. 1. shall be the presiding judge.

"(2) There shall be two circuit judges in the fourth judicial circuit. One of said judges shall be known as the presiding judge and the other as the associate judge.

"(3) There shall be four circuit judges in the fifth judicial circuit. No two judges shall reside in the same county in said circuit.

"(4) There shall be five circuit judges in the sixth judicial circuit.

"(5) There shall be four circuit judges in the seventh judicial circuit.

"(6) There shall be three circuit judges in the eighth judicial circuit.

"(7) There shall be two circuit judges in the ninth judicial circuit.

"(8) There shall be 19 20 circuit judges in the tenth judicial circuit. The judges numbered 5, 12, and 19 shall sit in the Bessemer division of said circuit. The other judges shall sit in the Birmingham division of said circuit.

"(9) There shall be two circuit judges in the eleventh judicial circuit.

"(10) There shall be two circuit judges in the twelfth judicial circuit.

"(11) There shall be nine circuit judges in the thirteenth judicial circuit.

"(12) There shall be three circuit judges in the fourteenth judicial circuit.

"(13) There shall be six circuit judges in the fifteenth judicial circuit. At least two judges shall be assigned to the criminal division of said circuit, and one or more judges shall be assigned to the civil division, in the discretion of the presiding judge.

"(14) There shall be four circuit judges in the sixteenth judicial circuit.

"(15) There shall be three circuit judges in the eighteenth judicial circuit.

"(16) There shall be two circuit judges in the ninteenth judicial circuit.

"(17) There shall be three circuit judges in the twentieth judicial circuit.

"(18) There shall be two circuit judges in the twenty-second judicial circuit.

"(19) There shall be six circuit judges in the twenty-third judicial circuit.

"(20) There shall be two circuit judges in the twenty-fifth judicial circuit.

"(21) There shall be two circuit judges in the twenty-sixth judicial circuit.

"(22) There shall be two circuit judges in the twenty-seventh judicial circuit.

"(23) There shall be two circuit judges in the twenty-eighth judicial circuit.

"(24) There shall be two circuit judges in the twenty-ninth judicial circuit.

"(25) There shall be two circuit judges in the thirtieth judicial circuit.

"(26) There shall be two circuit judges in the thirty-first judicial circuit.

"(27) There shall be two circuit judges in the thirty-second judicial circuit.

"(28) There shall be two circuit judges in the thirty-seventh judicial circuit.

"(29) There shall be two circuit judges in the thirty-eighth judicial circuit.

Section 5. There is hereby appropriated to the Unified Judicial System from the General Fund, the sum of $29,000 for the fiscal year 1978-79 and the sum of $64,500 for the fiscal year beginning October 1, 1979.

Section 6. Upon the appointment of the judge to fill Circuit Judgeship No. 20 as provided in Section 1 of this Act, the number of district judges in the Birmingham division of Jefferson County shall be reduced from nine (9) to eight (8). The elimination of one district judgeship from the Birmingham division of Jefferson County shall become effective only upon the death or resignation of a district judge in the Birmingham division of Jefferson County. The elimination provided above shall not become effective due to the end of the term of any District Judge in the Birmingham Division, but only will occur on the death or resignation of a District Judge in the Birmingham division of Jefferson County.

Section 7. All laws, and parts of laws, whether general, special or local, in conflict with the provisions of this Act, are hereby repealed.

Section 8. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. This Act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming a law.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Goodwin	Little	Proctor	
Bailey	Gulledge	Martin	Robertson	
Barron	Hall	McDonald	Teague	
Britnell	Higginbotham	Miller	Vacca	
Cook	Holmes	Mitchem	Weeks	
deGraffenried	Kirkland	Parsons	White	
Denton	Lemaster			—25

Nays: —0

And said Bill, H. B. 151, as thus amended by the substitute, was read a third time at length and passed.

Yeas 26; Nays 0.

Yeas:

Messrs.:	Goodwin	Lemaster	Proctor	
Bailey	Gulledge	Little	Robertson	
Barron	Hall	Martin	Teague	
Britnell	Harrison	McDonald	Vacca	
Cook	Higginbotham	Miller	Weeks	
deGraffenried	Holmes	Mitchem	White	
Denton	Kirkland	Parsons		—26

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill:

H. 494. This bill amends Section 16-5-1 through 16-5-10, Code of Alabama, 1975, an act to establish the Alabama Commission on Higher Education, so as to change the name of the Commission, to expand the membership of the Commission, to establish the Commission as the statewide long-range planning agency for postsecondary education, to provide the Commission with the authority of approval for new units or programs of instruction for academic credit, for advisory coordination of research and public service, the authority to regulate off-campus offerings for academic credit, the authority to regulate units or programs of instruction by non-Alabama institutions, to designate the Commission as the state agency responsible for the administration of those titles of the Higher Education Acts of 1965 as amended for those programs requiring a single state agency and those functions under the Southern Regional Education Compact heretofore assigned to the State Board of Education.

said Conference Report being in words and figures as follows:

REPORT OF CONFERENCE COMMITTEE
HOUSE BILL 494

We, the Committee of Conferees appointed to reconcile the difference between the two Houses concerning House Bill 494 have met, considered the matter, and agreed to the following report:

Substitute for House Bill 494 is attached.

LEIGH PEGUES,

JOE M. FORD,

GERALD DIAL,
Conferees on the part of the House.

G. J. HIGGINBOTHAM,

CHARLIE BRITNELL,

DEWEY WHITE, JR.,
Conferees on the part of the Senate.

CONFERENCE SUBSTITUTE FOR H. B. 494

A BILL
TO BE ENTITLED
AN ACT

This bill amends Section 16-5-1 through 16-5-10, Code of Alabama, 1975, an act to establish the Alabama Commission on Higher Education, so as to change the name of the Commission, to expand the membership of the Commission, to establish the Commission as the statewide long-range planning agency for postsecondary education, to provide the Commission with the authority of approval for new units or programs of instruction for academic credit, for advisory coordination of research and public service, the authority

to regulate off-campus offerings for academic credit, the authority to regulate units or programs of instruction by non-Alabama institutions, to designate the Commission as the state agency responsible for the administration of those titles of the Higher Education Acts of 1965 as amended for those programs requiring a single state agency and those functions under the Southern Regional Education Compact heretofore assigned to the State Board of Education.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 16-5-1 through 16-5-10, Code of Alabama, 1975, is hereby amended and reenacted to read as follows:

"AN ACT"

To establish the Alabama Commission on Higher Education for the general purpose of promoting an educational system that will provide the highest possible quality of collegiate and university education to all persons in the State able and willing to profit from it; to establish the Commission as the statewide long-range planning agency for postsecondary education; to provide through the Commission for continuous study, analyses, evaluation, planning, reporting and recommendations, as a basis for long-range planning with established priorities on a statewide basis to assure a sound, vigorous, progressive and coordinated system of higher education for the State; to provide the Commission with the authority of approval for new units or programs of instruction for academic credit, for advisory coordination of research and public service, the authority to regulate off-campus offerings for academic credit, the authority to regulate units or programs of instruction by non-Alabama institutions, to designate the Commission as the state agency responsible for the administration of those titles of the Higher Education Acts of 1965 as amended for those programs requiring a single state agency for which the Commission qualifies and those functions under the Southern Regional Education Compact heretofore assigned to the State Board of Education.

Be It Enacted by the Legislature of Alabama:

Section 1. Definitions.

The following terms shall have the meanings respectively prescribed for them, except when the context otherwise requires:

(a) Public Institutions of Higher Education shall mean those public educational institutions in Alabama which have been authorized by the Legislature or by the Constitution to provide formal education, including vocational, technical, collegiate, professional, or any other form of education, above the secondary school level.

(b) Commission: The Alabama Commission on Higher Education created by this ACT.

(c) Instructional Programs: A series of courses at any one location which culminates in a degree, certificate, or other formal recognition of academic credit.

(d) Unit: A school, college, division or institute and includes the establishment of any new branch or campus. The term does not include reasonable extension or alterations of existing curricula or programs which have a direct relationship to existing programs previously approved by the Commission; the Commission may, under its rule-making authority, define the character of such reasonable extension and alterations.

(e) Off-campus Offering: Any credit course, instructional unit or instructional program conducted off the main campus of any postsecondary institution in existence and separately accredited by the Southern Association of Colleges and Schools, at the time of the passage of this Act, or of any new campus previously or hereafter approved by the Commission.

Section 2. Membership.

The Commission shall consist of twelve members. Ten of these members shall be appointed by the Governor, one shall be appointed by the Lt. Governor, and one shall be appointed by the Speaker of the House of Representatives by and with the advice and consent of the Senate. One person shall be appointed from each United States Congressional District in Alabama and shall reside or maintain an office or place of business within the Congressional District from which he is appointed, and the remaining members shall be appointed from the State at large with no more than two in number of the total twelve members being from the same Congressional District.

The twelve members shall be citizens of the State and shall be selected, as far as may be practicable, on the basis of their interest in higher education. Appointees shall be selected without regard to political affiliation and appointments shall be of a nature as to aid the work of the Commission and to inspire the highest degree of co-operation and confidence. No member of the Commission shall be on the governing boards, be employed by or directly connected with any institution of higher education in the State; the State Department of Education, or any County or other local Board of Education. No member of the Commission shall serve past June 30th following his 70th birthday. All members of the Commission shall be deemed members at large charged with the responsibility of serving the best interest of the entire system of higher education in the State. No member shall act as the representative of any particular region or of any particular institution of higher education. New appointments to the Commission shall be made so that the total membership of the Commission is broadly representative of the total population of the State of Alabama.

The Commission shall serve in an advisory capacity to the Legislature and the Governor of this State in respect to all matters pertaining to state funds for the operation and the allocation of funds for capital improvements of state supported institutions of higher education. The initial membership of the Commission and the term of each initial member is as follows:

Section 3. Tenure—Vacancies.

(A) Members of the Commission shall be selected for nine year terms expiring on August 31 of the respective year. The current nine members are subject to reconfirmation by the Senate and shall continue to the expiration of their respective terms subsequent to such reconfirmation, but shall continue to serve as appointed until such reconfirmation. In the event that the Senate shall fail to reconfirm a current member, the Governor shall with the advice and consent of the Senate appoint a replacement for the unexpired term. Of the three new appointees, one shall be appointed by the Governor for a term of three years, one shall be appointed by the Lt. Governor for a term of six years, and one by the Speaker of the House of Representatives for a term of nine years.

(B) The members of the Commission shall continue to serve after the expiration of their terms until their successors have been appointed. In the

event that the number of Congressional Districts shall change, incumbents on the Commission shall complete their terms as members of the Commission. If the number of Congressional Districts shall change, the membership will remain at twelve with the number of at-large memberships being adjusted, if necessary, so that each Congressional District is represented. If the Senate is not in session or is in recess when the term of a member expires, the initial appointing authority shall make a temporary appointment of a succeeding member who shall serve subject to subsequent Senate approval of the appointment.

(C) Vacancies and new appointments on the Commission shall be filled by appointment of the ex officio officer responsible for the initial appointment. If the Senate is not in session or is in recess when the appointment is made, the appointee shall serve subject to subsequent approval of the appointment.

(D) Any person who serves for five or more years as a member of the Commission shall not be eligible for reappointment to succeed himself or herself until the next vacancy occurs after his or her successor is named.

Section 4. Organization and Meetings.

The first meeting of the Commission shall be called by the Governor who shall preside until a chairman is selected. The Commission shall elect annually from its own members a chairman and such other officers as it may deem desirable and shall adopt rules for its organization in the conduct of its business.

The Commission shall hold regular meetings at such times as are specified in its rules. Special or additional meetings may be held on call of the Chairman, or upon a call signed by at least six members, or upon call of the Governor. The Commission is encouraged to meet as often as seems desirable on the campuses of institutions of higher education in the State. The Commission shall meet at least once every three months. A majority of the members of the Commission shall constitute a quorum at all its meetings but the approval of a new unit or program of instruction or a new public institution of higher education, or the recommendation for a new unit of research or public service as provided in Section 8, shall require the concurrence of a majority of all the members of the Commission. An agenda for the meetings in sufficient detail to indicate the terms on which final action is contemplated shall be mailed to the chairman of each governing board and to the chief administrative officer of each public institution of higher education at least two weeks prior to the meeting. Any public institution of postsecondary education or the State Board of Education may place an item for discussion on the agenda of the next Commission meeting by informing the executive officer of the Commission, in writing, of such request at least three weeks prior to the meeting.

Members of the Commission shall serve without compensation but shall be reimbursed for actual expenses incurred in the performance of their duties.

The Commission is authorized to appoint a highly qualified person as its Executive Officer who shall, with the consent and approval of the Commission, select and supervise the Commission's staff and perform such other duties as may be delegated to him by the Commission, within the amounts made available for the Commission's operation. The appointment of the Executive Officer shall be subject to confirmation by the Senate each four

years beginning with the Regular Session of 1981. Failure of the Senate to confirm the Executive Officer shall result in his or her dismissal within ninety (90) days thereafter.

The Executive Officer shall, with the consent and approval of the Commission, employ such professional and clerical staff and other assistants, including specialists and consultants, upon a full or part-time basis as are necessary to assist the Commission and the Executive Officer in performing the duties assigned by this Act. The number of employees, their compensation, the other expenditures of the Commission shall be within the limits and in compliance with the appropriation made therefor by the Legislature and within budgets that shall be approved from time to time by the Commission.

All full-time employees of the Commission shall be eligible to participate in the state teacher's retirement system.

Section 5. Study, Analysis and Evaluation.

The Commission, in consultation with the agencies and institutions concerned with higher education in this State, shall analyze and evaluate on a continuing basis the present and future needs for instruction, research, and public service in postsecondary education in the state, including facilities, and assess the present and future capabilities. The use of advisory groups and consultants, as deemed desirable, may be used to meet these needs in order to provide the higher possible quality of collegiate and university education to all persons in the State able and willing to participate. One such advisory committee shall be the Council of Presidents, consisting of the President of each public four-year institution of higher education, the State Superintendent of Education and the presidents of three public two-year institutions of higher education, to be selected by the Superintendent of Education.

Section 6. Planning.

The Commission shall be responsible for statewide long-range planning for postsecondary education in Alabama. Such planning shall be the result of continuous study, analysis and evaluation. Plans will include the establishment of statewide objectives and priorities with methods and guidelines for achieving them.

Section 7. State University and College Information System.

The Commission, after affording a full opportunity to the public institutions of higher education to be heard, shall design and establish a State University and College Information System to provide comprehensive, meaningful, and timely information pertinent to the formulation of decisions and recommendations by the Commission. The information submitted by the public institutions of higher education shall be in comparable terms and the reports developed through the system shall conform to the procedures established by the Commission. The Commission shall be the state coordinating agency for all data collection requirements of the Federal government which require state level coordination and relate to postsecondary education. The Commission will make every effort to minimize the reporting burden on the institutions by using the existing reports of the federal government. The Commission shall establish an advisory committee comprised of, but not limited to, representatives of the public institutions of higher education and the State Board of Education to assure that the expertise and concerns of the institutions relative to this section, both individually and collectively, shall be provided to the Commission.

Section 8. Coordination of Units or Programs of Instruction, Research or Public Service.

The Commission on Higher Education is authorized to review periodically all new and existing programs and units of instruction, research, and public service funded by state appropriations at the State Universities and Colleges and to share with the appropriate governing board, through the president of the institution, and state legislature, its recommendations.

The Commission shall seek through the use of advisory committees to study needless duplication of education, research or service programs and programs which are not adequately provided in the state, and shall make findings and recommendations to the institutions, the Governor and the Legislature that would strengthen the total program of higher education in the state.

The governing boards of public institutions of higher education in this State and the campuses under their governance or supervision shall not hereafter undertake the establishment of any new unit or program of instruction for academic credit with state funds before submitting plans for the new unit or program to the Commission for its review, evaluation, and approval. No state funds shall be expended by any public institution on any new unit or program of instruction which has not been approved by the Commission. Any such plan submitted to the Commission, or its staff, however, and not receiving final action by the Commission within ten (10) months of submission shall be considered approved. the term "new unit of instruction", includes the establishment of a college, school, division or institute, and includes the establishment of any new branch or campus. The term does not include reasonable extensions or alterations of existing curricula, or programs which have a direct relationship to existing programs; and the Commission may, under its rule-making power, define the character of such reasonable extensions and alterations.

The Commission shall have the authority to authorize and regulate off-campus offerings, new or existing. An exception to this off-campus authority is provided for the branch campuses of universities or branch campuses of junior colleges in existence at the time of passage of this act whose Fall 1978 registrations exceeded 500 class enrollments and branch campuses of universities operating prior to 1960. For those branches which began operating since 1960, the Commission shall present its recommendation for the continuation or termination of each branch with full findings of fact to the Legislature before a public joint meeting of the education committees of the House and Senate no later than the fifth legislative day of the 1981 regular session of the Legislature. In making such recommendation, the Commission shall not use the ratio of full-time faculty to part-time faculty and/or a requirement to attend the main campus for degree completion as a part of its judgment of the quality of a program or branch campus. The education committee of each house shall report to its respective house with a concurrence or non-concurrence on each recommendation of the Commission. Debate on each recommendation shall be limited to one hour of continuous uninterrupted discussion for each recommendation and at the end of such time it shall be mandatory that the President of the Senate and the Speaker of the House shall in their respective houses call for a recorded vote. Such resolution by simple majority of both houses is required to affirm a Commission recommendation. No more than one branch shall be continued or terminated in one resolution.

Nothing in this or any section, however, shall be construed to prohibit any institution of higher education in this State from seeking and securing by separate Bill the approval of the Legislature for any new unit or program of instruction, research, or public service denied approval by the Commission, in which case the action of the Legislature, when approved by the Governor or otherwise upon becoming law, is final.

Colleges and universities conducting off-campus offerings on military reservations are exempt from the Commission's regulatory review and approval authority for those offerings on the military reservation.

Section 9. Budget Proposals and Recommendations.

The governing boards of the public institutions of higher education shall submit to the Commission through their appropriate administrative officers, not later than ninety (90) days prior to each legislative session, its budget proposals for the operation and capital needs of the institution under its governance or supervision.

The Commission shall receive, evaluate and coordinate budget requests for the public institutions of higher education of this State, shall hold open hearings on the budget requests of the separate institutions and shall present to each institution and to the Governor and the Legislature, a single unified budget report containing budget recommendations for separate appropriations to each of the institutions. The consolidated budget and analysis of the Commission shall be accompanied by the original requests and their justifications as submitted by each institution. The recommendations of the Commission shall be derived directly from its assessment of the actual funding needs of each of the universities, as presented to it by the presidents, which assessment may include, but shall not be limited to, derived conclusions that may be based upon standard techniques of objective measurement, need and unit cost figures arrived at through the use of comparative and verified data secured from the various institutions, applied in an impartial and objective manner, and comparison shall be made not only between similar functions of institutions in Alabama but also between Alabama institutions and similar functions of institutions located in other states, provided that nothing herein shall be construed to prohibit any institutions of higher education in this State from submitting any matter pertaining to the financial operation and needs of said institution to the Legislature or to the Governor at any time.

Section 10. Powers and Duties of the Commiseion.

The Commission shall exercise the following powers and duties in addition to those otherwise specified in this Act:

(a) To cause to be made such surveys and evaluations of higher education as are believed necessary for the purpose of providing appropriate information to carry out its powers and duties.

(b) To recommend to the Legislature of Alabama the enactment of such legislation as it deems necessary or desirable to insure the highest quality of higher education in this State taking into consideration the orderly development and maintenance of the State system of public higher education to meet trends in population and the change in social and technical requirements of the economy.

(c) To advise and counsel the Governor, at his request, regarding any area of, or matter pertaining to, postsecondary education.

(d) To establish definitions of a junior college, a community college, a technical college or institute, a senior college, a university and university system; provided, that nothing herein shall be construed as authorizing the Commission to establish or create any university system, nor to alter any university system presently existing.

(e) To develop and publish criteria which may be used by the Legislature as a basis (i) for changing the classification of any public institution of higher education and (ii) for determining the need for new public junior colleges, public senior colleges, universities or university systems. Any proposed statute which would establish an additional institution of higher education may be submitted, either prior to introduction or by the standing committee considering same to the Commission for its opinion as to the need for the State therefore, and the Commission shall report its findings to the Governor and the Legislature.

(f) To cause studies to be made for the purpose of classifying and prescribing the role and scope for each public institution of higher education in Alabama and to recommend such changes in classification or role and scope for such institutions as it deems necessary and which may be agreed to by the governing board of the said institution.

In making studies and recommendations for the purpose of classifying and prescribing the role and scope of institutions, the Commission shall do so without regard for race and traditional role of the institution, provided, however, that in the absence of compelling reasons to the contrary the Commission shall give priority to institutions having seniority in years of operation in the service area. When making recommendations for the elimination of duplication of educationally unnecessary programs, absent justifiable reasons to the contrary, the Commission shall recommend the replacement of such programs and/or services with programs and/or services that will strengthen and enhance the role of the institution affected.

(g) To hear applications from the institutions for changes in classification or role and scope and to recommend to the Legislature for clarification such classifications in role or scope which may not be agreed to by the governing board of any institution.

(h) To make continuing studies, on its own initiative or upon the request of the Governor or the Legislature, of the financial needs of public higher education and issue such reports to the Governor and the Legislature as may result from its studies.

(i) To submit to the Governor and the Legislature on or before the first day in January of each year a written report covering the activities of the Commission and the state of higher education in Alabama. The report shall include:

(i) statements of the nature, progress or result of any studies undertaken or completed during the past fiscal year;

(ii) comments upon major developments, trends, new policies, budgets, and financial considerations which, in the judgment of the Commission will be useful in planning a sound program of higher education; and

(iii) recommendations respecting postsecondary education in this State as may be appropriate.

(j) To make rules and regulations for its meetings, procedures, and execution of the powers and duties delegated to it by this Act.

(k) To encourage the establishment and development of formal consortia for the advancement of higher education comprised of institutions of higher education in the State.

(l) To conduct a program of public information in order to inform citizens of the State of matters of importance to higher education in Alabama.

(m) To serve as the State agency for the administration of those Titles of the Higher Education Act of 1965 (Public Law 39-329) as amended for those programs requiring a single state agency for which the Commission qualifies, unless otherwise designated by Executive order.

(n) To authorize and regulate instructional programs or units offered by non-Alabama institutions of postsecondary education in the State of Alabama. No institution of postsecondary education located outside of Alabama may offer units or programs of instruction within Alabama without prior approval of the Commission. The Commission under its rule-making authority shall establish criteria for the approval of such institutions and programs.

(o) The powers and duties of the Commission shall apply equally to all postsecondary institutions regardless of any authority that may be, or has been, conferred upon them by the Constitution or by statutes.

Section 11. Southern Regional Education Compact.

The Commission is designated the agency responsible for those functions under the Southern Regional Compact for Education (Act 227, H. J. R. 42, 1949, Act 40 H. J. R. 21, 1955) and those functions in Sections 16-3-32 through 16-3-35, Code of Alabama, 1975 heretofore assigned to the State Board of Education with funds that may be appropriated to it by the Legislature for that purpose.

Section 12. Evaluating and Revising the Commission.

Two years after the establishment of the Commission and during the last year of each gubernatorial term, the Commission shall appoint a committee of at least three consultants who are not associated with higher education in this State to evaluate the effectiveness of the work of the Commission and to recommend changes as needed. A report prepared by the Committee shall be submitted to the Governor, the Legislature, the presidents and governing boards of the public institutions of higher education of this State and the public.

Section 13. Governing Boards of Public Institutions of Higher Education—Powers and Duties

Governing boards of the public institutions of higher education of this State shall retain all powers and duties heretofore given and conferred upon them by the Constitution or by any law expressed or implied, to govern, control and operate the institutions for which they are responsible. The Commission shall work with and support the respective boards and except where otherwise authorized by this statute, shall act in a fact-finding and advisory capacity.

The State Board of Education and any successor board or boards which govern the state's public postsecondary institutions, including senior institutions, community colleges, junior colleges, and postsecondary technical institutes or colleges, shall stand in the same relationship to the Commission as do university boards of trustees. The State Superintendent of Education shall stand in the same relationship to the Commission as do the presidents of the universities.

Section 14. Acceptance of Gifts, etc.

The Commission is authorized to accept gifts, devises, grants, or bequests and expend the same to carry out the provisions of this Act or to promote the purposes for which it has been established.

Section 15. Severability.

The provisions of the Act are severable. If any section, paragraph, sentence, clause, provisions, or portion of this Act, be held unconstitutional or invalid, such holdings shall not affect any other section, paragraph, sentence, clause, provision or other portion of this Act not in or of itself unconstitutional or invalid.

Section 16. Repealer.

All laws or parts of laws which conflict with this act are hereby repealed.

Section 17. Effective Date.

This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And said bill as thus amended by the Report of the Committee on Conference was again read and passed.

And said bill, together with the Report of the Committee on Conference, is herewith returned to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE AND CONFERENCE MESSAGE

Mr. Callahan moved that consideration of the Report of Committee on Conference be postponed temporarily.

On motion of Mr. Higginbotham, the motion to postpone was laid on the table.

And on motion of Mr. Higginbotham, the Senate concurred in and adopted the Report of the Committee on Conference appointed to reconcile the disagreement of the two Houses on the Senate amendment to the Bill, H. B. 494, the title of which and said Conference Report are set out in the foregoing Message from the House.

Yeas 25; Nays 3.

Yeas:

Messrs.:	Goodwin	Miller	St. John	
Bailey	Gulledge	Mitchem	Smith	
Britnell	Hall	Parsons	Teague	
Cook	Higginbotham	Pearson	Vacca	
deGraffenried	Holmes	Proctor	Weeks	
Denton	Little	Robertson	White	
Figures	McDonald			—25

Nays: Messrs.: Barron, Callahan, Harrison. —3

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 164. To amend Section 33-5-10 of the Code of Alabama 1975, relating to certificates of boat registration, so as to require certain officials in the state to issue annual certificates of registration for boats.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate.

S. 482. To provide for secret Grand Jury proceedings and that secrecy inviolate; and further, to provide for the form and content of Grand Jury Reports, and to set criminal penalties for the unauthorized solicitation of, release and/or disclosure of evidence, testimony and other matters pertaining to Grand Jury proceedings; provides for an oath of secrecy to be given Grand Jury witnesses, and further proscribes criminal penalties for the obstruction of Grand Jurors, Grand Jury witnesses and their testimony.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. White, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 482, the title of which is set out in the foregoing Message from the House, to-wit:

HOUSE AMENDMENT NO. 1 TO S. B. 482

Amend S. 482 on Page 4, Section IV, Line 27, by inserting after the word "shall" the word wilfully.

Further Amend S. 482, on Page 6, Section IX, Line 6, by striking the word empounded and inserting in lieu thereof, the word empaneled.

HOUSE AMENDMENT NO. 2 TO S. B. 482

Amend S. 482 on Section XII, Line 30, Page 6, by adding after the word "provisions" the following: of Sections II, III, IV, and V.

HOUSE AMENDMENT NO. 3 TO S. B. 482

Amend S. 482, Section II, Line 34, Page 2 by inserting after the word "shall" the word wilfully.

Further Amend S. 482, Section II, Line 23, page 3, by inserting after the word "shall" the word wilfully.

Further Amend S. 482, Section XIII, Line 11, page 7, by inserting after the word "other" the word reasonable.

Yeas 27; Nays 0.

Yeas:

Messrs.:	Gulledge	Lemaster	Proctor
Bailey	Hall	Little	Robertson
Britnell	Harrison	Martin	St. John
Cook	Higginbotham	McDonald	Smith
Denton	Holmes	Miller	Teague
Figures	Keener	Mitchem	Weeks
Goodwin	Kirkland	Parsons	White

—27

Nays: —0

BILLS ON THIRD READING RESUMED

The Bill:

H. 201. To require all of the right, title and interest of the State of Alabama in and to the real property acquired by and in the name of the State of Alabama for the use and benefit of the state educational institution formerly known as Jacksonville State College at Jacksonville, Alabama, is hereby conveyed to and vested in Jacksonville State University, the body corporate created by Act No. 239, Regular Session 1967, approved August 16, 1967.

was read a third time at length and passed.

Yeas 23; Nays 0.

Yeas:

Messrs.:	Denton	Lemaster	Proctor
Bailey	Gulledge	Little	Robertson
Barron	Hall	Martin	Smith
Britnell	Harrison	McDonald	Teague
Callahan	Holmes	Miller	Vacca
deGraffenried	Kirkland	Mitchem	Weeks

—23

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The House has non-concurred in the Senate amendment to the following House Bill:

H. 953. To provide for a cost-of-living increase for all state employees and officials, including certain judges under certain circumstances, and other elected officials; to provide for revision of pay rates by the State Personnel Director and by the Administrative Director of Courts; to provide for the conditions prior to the granting of the conditional cost-of-living increase hereby authorized; to otherwise provide for and identify the funds from which said cost-of-living increase shall be paid and to appropriate such additional

funds as may be necessary to pay such increase, subject to the condition of the state treasury and/or the availability of monies otherwise appropriated for any purpose during the fiscal year ending September 30, 1980.

and requests a committee on Conference.

And the Speaker of the House has appointed as Conferees on the part of the House Reps. Gafford, Owens, and Carter.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Pearson, the Senate acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill, H. B. 953, the title of which is set out in the foregoing Message from the House.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Gulledge	Martin	St. John	
Bailey	Hall	McDonald	Smith	
Barron	Harrison	Mitchem	Teague	
Britnell	Holmes	Parsons	Vacca	
deGraffenried	Lemaster	Proctor	Weeks	
Denton	Little	Robertson	White	
Goodwin				—24

Nays: —0

And the President and Presiding Officer of the Senate appointed as Committee on the part of the Senate, Messrs. Pearson, Smith, and St. John.

MESSAGE FROM THE HOUSE

Mr. President:

The House has non-concurred in the Senate amendment to the following House Bill:

H. 943. Relating to Madison County; to provide for the payment of increases in the salaries of deputies sheriff in said county; to prescribe a minimum pay scale for such deputies and to earmark a certain portion of the alcoholic beverage tax revenues accruing to said county under the provisions of Sections 40-28-1 through 40-28-3 of the Code of Alabama 1975 for the payment of such salary increases.

and requests a committee on Conference.

And the Speaker of the House has appointed as Conferees on the part of the House Reps. Albright, Smith (J) and Smith (M).

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Smith, the Senate acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill, H. B. 943, the title of which is set out in the foregoing Message from the House.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Lemaster	Proctor
Bailey	Glass	Little	Smith
Barron	Goodwin	McDonald	Teague
Britnell	Gulledge	Mitchem	Vacca
Clemon	Hall	Parsons	Weeks
Cook	Holmes	Pearson	White
Denton	Keener		—25

Nays: —0

And the President and Presiding Officer of the Senate appointed as Committee on the part of the Senate, Messrs. McDonald, Smith, and Lemaster.

BILLS ON THIRD READING RESUMED

The Bill:

H. 418. To amend Section 12-17-44, Code of Alabama 1975, which relates to prior service credit for benefits of supernumerary circuit clerks and registers, so as to allow circuit clerks or registers prior service credit for time spent as probate judge.

was taken up.

Mr. Holmes offered the following amendment to the Bill, H. B. 418, to-wit:

AMENDMENT TO H. B. 418

Amend H. B. 418 by striking Section 2 and renumbering Sct 3 Section 0.2

Which was adopted.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Gulledge	Martin	Robertson
Barron	Hall	Miller	Smith
Britnell	Harrison	Mitchem	Vacca
deGraffenried	Holmes	Parsons	Weeks
Denton	Lemaster	Proctor	White
Goodwin	Little		—21

Nays: —0

And said Bill, H. B. 418, as thus amended, was read a third time at length and passed.

Yeas 23; Nays 0.

Yeas:

Messrs.:	Britnell	Denton	Harrison
Bailey	Callahan	Gulledge	Higginbotham
Barron	deGraffenried	Hall	Holmes

Kirkland	McDonald	Parsons	Smith
Little	Miller	Proctor	Vacca
Martin	Mitchem	Robertson	White

—23

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 157. To amend Sections 34-27-4, 34-27-31 and 34-27-35 of the Code of Alabama 1975, as amended, Regular Session, 1978, Acts No. 654, pertaining to qualifications for real estate broker and real estate salesmen licensees, so as to establish a "Real Estate Recovery Fund"; to provide procedural rights for aggrieved parties in certain real estate transactions and to provide for the termination of the license of any person against whom a judgment creates a claim against such fund; and to further provide for certain fees and the distribution thereof.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 151. COMMENDING THE STUDENTS OF GRISSOM HIGH SCHOOL, HUNTSVILLE, ALABAMA, ON THE ESTABLISHMENT OF AN ANNUAL "HONOR AMERICA DAY."

Also:

S. J. R. 153. EXPRESSING APPRECIATION TO THE MOBILE HOUSE AND SENATE DELEGATION AND TO THE ALABAMA SHERIFFS ASSOCIATION.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate.

S. 349. To permit business and nonprofit corporations to give, pay, expend or contribute money, or services or anything of value for the purposes of establishing, administering or soliciting voluntary contributions to a separate, segregated fund to be utilized for political purposes including aiding or promoting the nomination or election of any person who is or becomes a candidate for political or party office and aiding or promoting the interest and success, or defeat of any political party or proposition; to regulate the solicitation of contributions to such separate, segregated funds; and to amend Title 17, Section 17-22-3, entitled "Corrupt practices enumerated generally" and

Title 10, Section 10-2-168, entitled "Giving aid or contributions to political parties or candidates, etc.", Code of Alabama (1975) to provide that it shall not be unlawful for any corporation to expend or contribute money or services or anything of value for the purposes of establishing, administering, or soliciting voluntary contributions to a separate, segregated fund established and administered pursuant to the provisions of this act.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Callahan, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 349, the title of which is set out in the foregoing Message from the House, to-wit:

HOUSE AMENDMENT TO S. B. 349

Amend S. B. 349, page 2, by striking in its entirety subsection 2 of Section 1, line 27 through 29, and inserting in lieu thereof the following:

(2) The custodians of any separate, segregated political fund established hereunder shall file with the office of the Secretary of State of the State of Alabama such financial disclosure reports or statements now required of a candidate for public office. Filing with the Secretary of State a copy of the information required to be filed with the Federal Election Commission by such separate, segregated fund shall constitute compliance with the reporting provisions of this act.

Yeas 22; Nays 0.

Yeas:

Messrs.:	Goodwin	Little	Proctor	
Bailey	Gulledge	Martin	Robertson	
Britnell	Hall	McDonald	Smith	
Callahan	Higginbotham	Miller	Vacca	
deGraffenried	Kirkland	Mitchem	White	
Denton	Lemaster	Pearson		—22

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 288. To amend Section 41-15-10, Code of Alabama 1975, so as to authorize the finance director to invest state insurance funds in the same types of securities as the employees' retirement system may invest said system's funds.

Also:

S. 582. To establish a program authorizing subsidies to make it possible for children in special circumstances such as with medical needs, disabilities or in long term foster care to be adopted.

Also:

S. 221. To authorize the Pesticide Residue Laboratory heretofore established by the Department of Agriculture and Industries at Auburn University under authority of Title 2, §§2-27-30, 2-27-31 and 2-27-32 of the Code of Alabama of 1975 to conduct analytical work for harmful drug residues as may be found in raw or processed agricultural and other food products, fish, game and other wildlife for the protection of the public health, aid in developing and expanding markets for agricultural products and for the protection of fish and wildlife.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate.

S. 88. To amend Section 5-1-17 of the Code of Alabama 1975 relating to special certificates of deposit so as to prescribe certain procedures relating to the maturity of such certificates.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Little, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 88, the title of which is set out in the foregoing Message from the House, to-wit:

HOUSE AMENDMENT TO S. B. 88

Amend S. 88 by striking lines 26 through 31 and substituting in lieu thereof the following:

"on return thereof, must be cancelled. Provided, however, that in case of certificates of deposit issued for more than ninety (90) days which are automatically renewable, such corporation or company shall send within a reasonable period, but in no event less than five (5) days before the next maturity, a written notice of maturity to the last known address of record."

Yeas 18; Nays 0.

Yeas:

Messrs.:	Goodwin	Lemaster	Smith	
Bailey	Gulledge	Little	Vacca	
Barron	Hall	Miller	Weeks	
Britnell	Harrison	Mitchem	White	
Denton	Higginbotham	Proctor		—18

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 166. To authorize the State Forestry Commission to prepay employees certain necessary travel expenses while they are on official State business outside the State of Alabama.

Also:

S. 437. To amend Section 25-2-12, Code of Alabama, 1975, as last amended, which relates to the Board of Appeals for the State of Alabama, Department of Industrial Relations.

Also:

S. 58. To confer on any municipality in the state (a) the power to aid, by donation, loan and transfer of property, any public corporation (i) all the directors of which are provided by law to be elected by the governing body of that municipality, or (ii) not less than one-half of the directors of which are provided by law to be elected by the governing body of that municipality and the remaining directors of which are provided by law to be appointed by the Governor, (b) the power to pay, or provide for the payment of, bonds or other securities issued by such a public corporation; and (c) the power to issue securities of such municipality, including securities that are general obligations and securities payable from a limited source, to provide funds for any such donation, loan, transfer, payment, or provision for payment; and to set forth requirements and other provisions with respect to any securities issued by a municipality for such purpose or purposes, including limitations as to the final maturity thereof and provisions as to the sources of the payment thereof, the pledges that may be made therefor, use of the proceeds therefrom, and related matters.

Also:

S. 120. To further regulate night hunting and taking of raccoons or opossums so as to permit the use of dogs, a light and a 22-caliber rimfire rifle using short rifle ammunition or a shotgun using No. 6 shot or greater.

JOHN W. PEMBERTON,
Clerk.

BILLS ON THIRD READING RESUMED

The Bill:

H. 987. To amend Section 16-13-144, Code of Alabama 1975 relating to penalties incurred by local boards of education who exceed their budget, so as to exempt said boards during years education money is prorated.

was taken up.

The Standing Committee on Finance and Taxation reported the following amendment to the Bill, H. B. 987, to-wit:

COMMITTEE AMENDMENT TO H. B. 987

Amend H. 987 by inserting in Section 1, page 2, line 9, the following additional sentence:

During years in which proration is declared, local city and county boards of education shall have authority to transfer expenditures between and among line item categories, provided that no funds shall be transferred form salaries to other line item categories.

Which was adopted.

Yeas 20; Nays 0.

Yeas:

Messrs.:	Denton	Higginbotham	Mitchem	
Bailey	Goodwin	Little	Proctor	
Barron	Gulledge	Martin	Robertson	
Britnell	Hall	McDonald	Vacca	
Callahan	Harrison	Miller	White	
deGraffenried				—20

Nays: —0

And said Bill, H. B. 987, as thus amended, was read a third time at length and passed.

Yeas 18; Nays 0.

Yeas:

Messrs.:	Denton	Kirkland	Proctor	
Bailey	Goodwin	Lemaster	Robertson	
Barron	Hall	Little	Vacca	
Britnell	Harrison	McDonald	White	
deGraffenried	Higginbotham	Miller		—18

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 148. To amend Code of Alabama 1975, Sections 40-20-2 and 40-20-8, so as to increase the rate of tax; to provide further for distribution of the proceeds of the tax; and to provide certain exemptions from the increased rate.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 187. To amend Section 36-7-21, Code of Alabama 1975, which provides for authorization of out-of-state travel, so as to provide further for said authorization.

JOHN W. PEMBERTON,
Clerk.

BILLS ON THIRD READING RESUMED

The Bill:

H. 567. To amend § 28-3-112, Code of Alabama 1975, so that the 3% tax levied therein on manufacturers, distillers, producers or distributors of liquors doing business with the Alabama Alcoholic Beverage Control Board

is repealed and to amend § 28-3-114, Code of Alabama 1975, to repeal the distribution of the proceeds of the said 3% tax and to make provisions for the distribution of filing fees and to increase said fees to $500.00.

was taken up.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, H. B. 567, to-wit:

COMMITTEE SUBSTITUTE FOR H. B. 567

A BILL
TO BE ENTITLED
AN ACT

To amend §28-3-112, Code of Alabama 1975, so that the 3% tax levied therein on manufacturers, distillers, producers or distributors of liquors doing business with the Alabama Alcoholic Beverage Control Board is repealed and to amend §28-3-114, Code of Alabama 1975, to repeal the distribution of the proceeds of the said 3% tax and to make provisions for the distribution of filing fees and to increase said fees to $500.00.

Be It Enacted by the Legislature of Alabama:

SECTION 1. That §28-3-112, Code of Alabama 1975, be and the same is hereby amended to read as follows:

§28-3-112. Filing of application, and statement and bond with commissioner of revenue by manufacturer, distiller, producer, etc.; payment of filing fee and license tax; fees and taxes imposed by section cumulative.

(a) Every manufacturer, distiller, producer or distributor of alcoholic liquors desiring to engage in business in this state or to do any business with the state or the Alabama alcoholic beverage control board or its successor in function shall file with the commissioner of the state department of revenue within the first 60 days of each calendar year a statement showing the total amount of its sales to the state or board during the preceding year ending December 31. The statement shall be verified by the affidavit of an authorized agent having knowledge of the facts and shall be accompanied by payment of a filing fee in the amount of $250.00 $500.00. and an additional fee as a privilege tax or license in an amount equal to three percent of its total gross sales of alcoholic liquors to the state or board, whether made in the state or elsewhere, during the preceding calendar year. If a manufacturer, distiller, producer, or distributor of alcoholic liquors who applies for a license has made no sales to the state or board during the preceding year, he shall pay a filing fee of $250.00 and, by March 1 of the succeeding year, remit with the statement to the commissioner of revenue as required by this section the amount of taxes due on the basis of sales made during the remainder of the calendar year in which he first applied for a license, provided, that the commission of revenue shall require the applicant to file with his original application a bond in the penal sum of not less than $1,000.00 nor more than $10,000.00 conditional upon the payment of the license taxes to become due by the applicant. If a manufacturer, distiller, producer or distributor of liquor who applies for a license has made no sales to the state or board during the preceding year, he shall pay a filing fee of $500.00 and shall file a statement verified by the affidavit of an authorized agent having knowledge of the fact that no sales were made for said preceding year. Upon the payment of the filing fee and the filing of the accompanying statement of sales, the commissioner of revenue shall issue a license to said applicant.

(b) The fees and taxes imposed by subsection (a) of this section are in addition to the permit fee required by subdivision (7) of subsection (a) of section 28-3-43 and all other permits, licenses, fees or taxes imposed by law.

(c) The commission of revenue shall not issue a license under subsection (a) of this section to any applicant until such time as said applicant has paid such sum of money as is due to be paid by said applicant to the commission of revenue for a privilege tax or license fee in accordance with the provisions of §28-3-112, Code of Alabama 1975, for the calendar year 1979 or any preceding year in which said privilege tax or license fee was applicable.

SECTION 2. That §28-3-114, Code of Alabama 1975, be and the same is hereby amended to read as follows:

§28-3-114. Disposition of filing fees and license taxes.

The revenue derived from filing fees paid under section 28-3-112 shall be paid into the state treasury to the credit of the beer tax and license fund of the Alabama alcoholic beverage control board. The revenue derived from the license taxes imposed by section 28-3-112 shall be paid into the state treasury and shall be distributed as follows: One half shall be credited to the state public welfare trust fund and shall be used for general welfare purposes and the remainder of such proceeds shall be set aside in the special mental health fund and shall be used only for mental health purposes, including the prevention of mental illness, the care and treatment of the mentally ill and the mentally deficient, the acquisition, equipment, operation and maintenance of facilities for mental health purposes, the establishment and operation of regional and community mental health clinics, the training of mental health personnel and the provision of drugs for medically indigent, nonhospitalized mental patients.

As used in this section, the phrases "general welfare purposes" means:

(1) The administration of public assistance as set out in sections 38-2-5 and 38-4-1;

(2) Services, including supplementation and supplementary services under the federal Social Security Act, to or on behalf of persons to whom such public assistance may be given under said section 38-4-1;

(3) Services to and on behalf of dependent, neglected or delinquent children; and

(4) Investigative and referral services to and on behalf of needy persons.

SECTION 3. This act shall become effective on midnight, December 31, 1979, upon its passage and approval by the governor, or upon its otherwise becoming law. To further provide for and raise revenue for the State of Alabama; to levy an additional tax of 3% on the sale of spirituous or vinous liquors sold by the Alabama Alcoholic Beverage Control Board; to provide for the collection of said tax and the distribution thereof to the State Public Welfare Trust Fund and to the Special Mental Health Fund.

SECTION 4. Definitions.—The following words and phrases whenever they appear in this act shall have the meaning ascribed to them in this section.

(a) BOARD.—The Alabama Alcoholic Beverage Control Board.

(b) GENERAL WELFARE PURPOSES.—(1) the administration of public assistance as set out in sections 38-2-5 and 38-4-1, Code of Alabama, 1975; (2) services, including supplementation and supplementary services under the federal Social Security Act, to or on behalf of persons to whom such public assistance may be given under said section 38-4-1; (3) services to and on behalf of dependent, neglected or delinquent children; and (4) investigation and referral services to and on behalf of needy persons.

(c) SELLING PRICE.—The total mark up of spirituous or vinous liquors sold by the Board, exclusive of the taxes heretofore levied thereon.

(d) TABLE WINE.—Means any vinous liquor containing not more than fourteen percent alcohol by volume.

(e) WINE RETAILER.—Means and includes a person, association, or corporation licensed by the Board under the provisions of acts heretofore enacted to engage in the retail sale of table wine to be consumed off the premises and who do not possess a state liquor license.

(f) WINE WHOLESALER.—Means and includes any person, association, or corporation licensed by the Board under the provisions of acts heretofore enacted to engage in the sale and distribution of table wine within those certain counties authorized by their licenses at wholesale only, to be sold for export or to licensees within this state authorized by their licenses to sell table wine.

SECTION 5. Levy and collection.—In addition to all other taxes of every kind now imposed by law and in addition to any marked-up price authorized or required by law, there is hereby levied and shall be collected a tax at the rate of 3% upon the selling price of all spirituous or vinous liquors sold by the Board.

The board shall have the authority to examine the books and records of any wine wholesaler to determine the accuracy of any return required to be filed with the board.

The markup as currently established by the board on spirituous or vinous liquors shall not be reduced by the board for the purpose of absorbing the tax levied in this subsection, it being the intention of this provision that the said tax shall be passed on to the purchaser.

SECTION 6. Distribution of proceeds.—One half of the proceeds derived from the tax shall be deposited in the state treasury to the credit of the public welfare trust fund and shall be used for general welfare purposes and is hereby appropriated therefor. The remainder of such proceeds from the tax levied by this subsection shall be deposited in the state treasury to the credit of a special fund which shall be designated the Special Mental Health Fund and shall be used only for mental health purposes, including the prevention of mental illness, the care and treatment of the mentally ill and the mentally deficient and the acquisition, equipment, operation and maintenance of facilities for mental health purposes.

SECTION 7. Severability.—The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the parts which remain.

SECTION 8. Effective date.—This act shall become effective at midnight December 31, 1979, after its passage and approval by the Governor, or its otherwise becoming law.

Which was adopted.

Yeas 19; Nays 0.

Yeas:

Messrs.:	deGraffenried	Lemaster	Mitchem
Bailey	Denton	Little	Robertson
Barron	Goodwin	Martin	Vacca
Britnell	Hall	McDonald	Weeks
Callahan	Holmes	Miller	White

—19

Nays: —0

And said Bill, H. B. 567, as thus amended by the substitute, was read a third time at length and passed.

Yeas 18; Nays 0.

Yeas:

Messrs.:	Goodwin	Little	Pearson
Barron	Gulledge	Martin	Proctor
Britnell	Harrison	McDonald	Robertson
Callahan	Kirkland	Miller	Vacca
deGraffenried	Lemaster	Mitchem	

—18

Nays: —0

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, respectively, and finds same correctly enrolled, to-wit:

S. 109. To provide for definition of terms as used in this Act; to provide a statement of Legislative intent; to provide a comprehensive system of time limitations for the commencement and maintenance of product liability actions; to provide that all product liability actions must be commenced within one (1) year from the time the personal injury, death or property damage occurs; to provide that where the personal injury is a result of insidious disease, the action must be commenced within one (1) year of the date such injury was or in the exercise of reasonable diligence should have been discovered; to provide that a product liability action must be brought, in any event, within eight (8) ten (10) years of the date the product was put to use; to provide that time limitations provided herein may be waived by express written agreement; to provide that product liability actions arising from the breach of a duty or take or not to take certain actions with respect to a product, coinciding with the failure by the defendant to comply with a government requirement to take or not to take such action, may be brought within one (1) year of the time the personal injury, death or property damage arising from such failure occurs; to provide that such actions resulting from insidious disease may be brought within one (1) year from the date such personal injury was or in the exercise of reasonable diligence should have been discovered; to provide that such actions must be brought in any event within eight (8) ten (10) years from the date of the imposition of the governmental requirements; to provide that the provisions of this Act are inseparable and nonseverable; to provide that this Act shall not be retroactive; and to provide a manner in which this bill becomes law.

Also:

S. 210. To provide for a definition of terms as used in this Act; to provide a statement of Legislative intent; to provide that in all product liability actions, evidence that a plaintiff's medical or hospital expenses claimed as damages have been or will be paid or reimbursed by medical or hospital insurance or pursuant to the medical and hospital payment provisions of the law governing workmen's compensation shall be admissible in evidence; to provide that a plaintiff may introduce evidence of the cost of obtaining reimbursement or payment of such medical or hospital expenses; to provide that a plaintiff may recover as damages a reasonably related portion of the cost of obtaining such medical or hospital payments; to provide that where a plaintiff is obligated to repay such medical or hospital expenses no evidence of payment or reimbursement not otherwise admissible shall be admissible; to provide for the repeal of inconsistent laws or parts of law; to provide for the severability of this Act; and to provide the manner in which this bill becomes law.

Also:

S. 247. To amend Sections 23-1-271 through 23-1-273 and 23-1-280 of the Code of Alabama 1975, as amended, relating to the "Highway Beautification Act—Outdoor Advertising," so as to delay the removal of all non-conforming motorist directional signs until all other non-conforming signs have been removed and to provide exemption from removal for certain motorist directional signs where such removal would cause a substantial negative economic impact in a defined area, and to ensure that in situations where just compensation must be paid for sign removal, that payment is made by the responsible removing authority; and to provide an effective date.

Also:

S. 321. To amend Section 32-5-2, Code of Alabama 1975, so as to require owners of real property used for public vehicular travel to meet certain traffic control requirements.

Also:

S. 347. TO AUTHORIZE THE MAYOR OR OTHER CHIEF EXECUTIVE OFFICER OF ANY MUNICIPALITY IN THIS STATE TO APPOINT A PAROLE BOARD, ITS MEMBERS AND TERM OF OFFICE, AND TO PRESCRIBE DUTIES THEREOF AND OF PAROLE OFFICERS IN GRANTING AND REVOKING PAROLES AND WORK OR EDUCATIONAL RELEASES; TO CONFER POWERS OF ARREST UPON PAROLE OFFICERS, WITH OR WITHOUT WARRANT.

Also:

S. 397. To amend Title 44, Chapter 2 of the Code of Alabama 1975 by adding thereto The Interstate Compact on the Placement of Children.

Also:

S. 443. To further regulate architects and the practice of architecture and to repeal sections 34-2-1 through 34-2-24, Code of Alabama 1975.

Also:

S. 451. To prohibit possession of a firearm at demonstrations by anyone other than an on duty law enforcement officer, and prescribe penalties for violations of this Act.

Also:

S. 572. To amend Sections 16-30-1 and 16-30-4, Code of Alabama 1975, relating to the immunization of school children, so as to require any student who has not been immunized upon initial entry into a school in Alabama, must show proof of immunization at the commencement of the next school year.

ALBERT McDONALD,
Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Seante, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing report from the Committee on Rules.

BILLS ON THIRD READING RESUMED

The Bill:

H. 446. To amend Sections 36-32-1, 36-32-5 and 36-32-7 of the Code of Alabama 1975, relating to the fire fighters' personnel standards and education commission, so as to provide for the inclusion of fire-fighting districts in the classification of fire-fighting agency; to include paid employees of fire-fighting agencies classified as rescue unit personnel and paramedics as well as fire inspectors and investigators in the classification of fire-fighting personnel; to provide for certain exemptions relating to employment; to further prescribe standards for fire-fighting personnel; and to provide for testing and certification of fire-fighting personnel, both paid and volunteer, by the commission.

was taken up.

Mr. Martin offered the following amendment to the Bill, H. B. 446, to-wit:

AMENDMENT TO H. B. 446

Amend House Bill 446 on page 5, line 10, by deleting sub-section (b) in its entirety and inserting in lieu thereof the following:

"(b) The commission may administer tests and certify all levels of firefighting fire protection personnel qualifying under the provisions of this chapter, provided volunteer firefighters and paid firefighters above the recruit level shall be certified at their own discretion."

Which was adopted.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Gulledge	Lemaster	Mitchem
Callahan	Hall	Little	Proctor
Denton	Harrison	Martin	Robertson
Figures	Higginbotham	McDonald	Vacca
Goodwin	Kirkland	Miller	White

—19

Nays: —0

And said Bill, H. B. 446, as thus amended, was read a third time at length and passed.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Gulledge	Lemaster	Mitchem
Callahan	Hall	Little	Proctor
Denton	Harrison	Martin	Robertson
Figures	Higginbotham	McDonald	Vacca
Goodwin	Kirkland	Miller	White

—19

Nays: —0

The Bill:

H. 360. To amend Sections 22-5-2, 22-5-4, 22-5-5, 22-5-6 and 22-5-7, Code of Alabama 1975, relating to the state commission on physical fitness, so as to provide further for the protection, promotion and improvement of the physical fitness of residents of the state; to provide further for the number of members constituting a quorum; to provide further for the duties of the commission; and to provide further for merit system employment for employees of the commission.

was read a third time at length and passed.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Gulledge	Lemaster	Mitchem
Callahan	Hall	Little	Proctor
Denton	Harrison	Martin	Robertson
Figures	Higginbotham	McDonald	Vacca
Goodwin	Kirkland	Miller	White

—19

Nays: —0

The Bill:

H. 451. To amend Section 9-17-13, Code of Ala. 1975, so as to more clearly provide for the integration or pooling and for the unitization of other interests included in tracts of land with regard to oil and gas drilling units and oil and gas pools.

was read a third time at length and passed.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Gulledge	Lemaster	Mitchem
Callahan	Hall	Little	Proctor
Denton	Harrison	Martin	Robertson
Figures	Higginbotham	McDonald	Vacca
Goodwin	Kirkland	Miller	White

—19

Nays: —0

The Bill:

H. 452. To amend Section 9-17-83, Subsections (3), (4), (5), and (7), Code of Ala. 1975, so as to more clearly render said subsections to include other "interests" within "tracts" in unitization orders.

was read a third time at length and passed.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Gulledge	Lemaster	Mitchem
Callahan	Hall	Little	Proctor
Denton	Harrison	Martin	Robertson
Figures	Higginbotham	McDonald	Vacca
Goodwin	Kirkland	Miller	White

—19

Nays: —0

The Bill:

H. 453. To amend further Section 9-17-12, Code of Ala. 1975, so as to allow spacing in the case of irregular sections which exceed 640 acres and so as to allow the Board to designate drilling or production units of up to 160 acres or one governmental quarter section in the case of oil and 640 acres or one governmental section in the case of gas plus 10 percent tolerance so as to allow for irregular sections and to exceed these limitations, after notice and hearing, when it is affirmatively demonstrated that one well can drain the proposed unit and that a larger unit is justified because of technical, economic, environmental, or safety considerations, or other reasons deemed valid by the Board, and to further allow the Board, after notice and hearing, to establish units in oil and gas pools not to exceed 30 percent greater than 160 acres or one governmental quarter section in the case of oil and 640 acres or one governmental section in the case of gas, provided such action is justified by sufficient technical data indicating that such acreage or lands in excess of the aforesaid limitations is being drained or is in imminent danger of being drained and that the owners of interests in such said excess acreage or land cannot otherwise receive their just and equitable share of production from the pool, providing for the payment or recoupment of drilling and production costs; and excluding any spacing limitation with regard to offshore wells, except as may be established by said Board.

was taken up.

The Standing Committee on Commerce, Transportation, and Utilities reported the following amendment to the Bill, H. B. 453, to-wit:

COMMITTEE AMENDMENT TO HOUSE BILL 453

Amend House Bill 453, page 3, line 17, after the word "pool" as follows:

capable of producing oil deemed by the Board to be an oil reservoir

On page 3, line 22, after the word "pool", amend as follows:

capable of producing gas deemed by the Board to be a gas reservoir

Which was adopted.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Gulledge	Lemaster	Mitchem
Callahan	Hall	Little	Proctor
Denton	Harrison	Martin	Robertson
Figures	Higginbotham	McDonald	Vacca
Goodwin	Kirkland	Miller	White

—19

Nays: —0

And said Bill, H. B. 453, as thus amended, was read a third time at length and passed.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Gulledge	Lemaster	Mitchem
Callahan	Hall	Little	Proctor
Denton	Harrison	Martin	Robertson
Figures	Higginbotham	McDonald	Vacca
Goodwin	Kirkland	Miller	White

—19

Nays: —0

The Bill:

H. 454. To amend Section 9-17-1, Subsection (3), Code of Ala. 1975, so as to provide for a redefinition of the word "oil" with reference to pool rather than well.

was read a third time at length and passed.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Gulledge	Lemaster	Mitchem
Callahan	Hall	Little	Proctor
Denton	Harrison	Martin	Robertson
Figures	Higginbotham	McDonald	Vacca
Goodwin	Kirkland	Miller	White

—19

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 461. To provide that it shall be a nuisance and unlawful for anyone to wilfully throw or cast artificial lights or rays of artificial light from any motor vehicle in any field, or other real property where a residence or out

building, other structure or livestock exists with the exception of farmers who may do so while checking livestock on owned, leased or rented land; and to provide for penalties.

Also:

S. 123. To amend Section 36-25-1 of the Code of Alabama 1975, so as to exclude state soil and water conservation district supervisors from the provisions of the State Ethics Law.

Also:

S. 501. To amend Section 38-2-12, Code of Alabama 1975, relating to the authority of the Commissioner of the State Department of Pensions and Security to destroy certain obsolete records, so as to reduce the retention requirement on certain case record material from ten to five years.

Also:

S. 359. Requiring insurers to furnish to certain fire officials certain information relating to their investigations of certain types of property fire losses; to prescribe evidentiary rules relating to the use of such information and to prescribe penalty for violation.

Also:

S. 157. To create a fund known as the "Cost of Evidence Fund" in the amount of fifty thousand dollars to be used by the Alabama Alcoholic Beverage Control Board for the procurement of evidence to aid in the criminal enforcement of the drug and narcotic laws of this State. Monies to be expended for this fund shall be paid from the funds appropriated to the Law Enforcement Division of the Alabama Alcoholic Beverage Control Board for "other expenses."

JOHN W. PEMBERTON,
Clerk.

BILLS ON THIRD READING RESUMED

The Bill:

H. 241. To amend Section 11-51-200 of the Code of Alabama 1975, providing for the levy of a sales tax paralleling the state sales tax by the incorporated cities and towns of the state, so as to remove the prohibition on the levy of such taxes on the alcoholic beverage control board in the sale of alcoholic beverages, and to provide that any counties that have authority to tax under the present law shall have full authority to levy such tax upon the alcoholic beverage control board in the sale of alcoholic beverages as provided under the statutory authorization.

was read a third time at length and passed.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Gulledge	Lemaster	Mitchem
Callahan	Hall	Little	Proctor
Denton	Harrison	Martin	Robertson
Figures	Higginbotham	McDonald	Vacca
Goodwin	Kirkland	Miller	White

—19

Nays: —0

The Bill:

H. 403. This Bill creates a Driver License Medical Advisory Board nominated by the Medical Association of the State of Alabama and appointed by the Director of Public Safety to advise the Director concerning the medical aspects of driver licensing. It also outlines the functions and responsibilities of the board; provides for the confidentiality of related reports and immunity from legal actions.

was read a third time at length and passed.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Gulledge	Lemaster	Mitchem
Callahan	Hall	Little	Proctor
Denton	Harrison	Martin	Robertson
Figures	Higginbotham	McDonald	Vacca
Goodwin	Kirkland	Miller	White

—19

Nays: —0

The Bill:

H. 814. To indemnify the commissioner of the board of corrections, deputy commissioners, members of the board of corrections, and other officers, employees and agents of the board of corrections for acts arising out of and performed in connection with their official duties in behalf of the state of Alabama.

was read a third time at length and passed.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Gulledge	Lemaster	Mitchem
Callahan	Hall	Little	Proctor
Denton	Harrison	Martin	Robertson
Figures	Higginbotham	McDonald	Vacca
Goodwin	Kirkland	Miller	White

—19

Nays: —0

The Bill:

H. 562. To amend section 22-27-5 of the Code of Alabama 1975 which relates to the authority of localities to establish fees and enter into mutual agreements or contracts in connection with solid waste disposal, so as to further provide remedies for the nonpayment of fees.

was read a third time at length and passed.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Gulledge	Lemaster	Mitchem
Callahan	Hall	Little	Proctor
Denton	Harrison	Martin	Robertson
Figures	Higginbotham	McDonald	Vacca
Goodwin	Kirkland	Miller	White

—19

Nays: —0

The Bill:

H. 331. Relating to elections; to provide for hours of voting; and for such purpose amending Code of Alabama 1975, Section 17-7-6, and repealing Sections 17-7-10 and 17-9-30.

was read a third time at length and passed.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Gulledge	Lemaster	Mitchem
Callahan	Hall	Little	Proctor
Denton	Harrison	Martin	Robertson
Figures	Higginbotham	McDonald	Vacca
Goodwin	Kirkland	Miller	White

—19

Nays: —0

The Bill:

H. 256. To provide for a procedure of payroll deductions for certain contributions made by state officers and employees.

was read a third time at length and passed.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Gulledge	Lemaster	Mitchem
Callahan	Hall	Little	Proctor
Denton	Harrison	Martin	Robertson
Figures	Higginbotham	McDonald	Vacca
Goodwin	Kirkland	Miller	White

—19

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 386. To prohibit the expenditure of state funds for the purpose of erecting or maintaining signs designating roads, bridges or buildings in honor or in memory of any individual.

Also:

S. 231. To amend Section 3-1-12 of the Code of Alabama 1975 providing for the offense of cruelty to animals so as to include the abandonment of an animal within such offense and provide penalties therefor.

Also:

S. 169. Relating to the appointment of a curator of the property of persons residing in this state who shall become physically incapacitated, feeble-minded or epileptic, or so mentally or physically defective by reason of age, sickness, the use of drugs, excessive use of alcohol or other causes, and authorizing such curator to take charge of, manage and conserve the property of such person and relating to the effect of the appointment of a curator as to any such person.

JOHN W. PEMBERTON,
Clerk.

BILLS ON THIRD READING RESUMED

The Bill:

H. 298. To transfer the LaGrange Historical Site owned by the LaGrange Historical Commission of the State of Alabama to the Alabama Historical Commission.

was read a third time at length and passed.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Gulledge	Lemaster	Mitchem
Callahan	Hall	Little	Proctor
Denton	Harrison	Martin	Robertson
Figures	Higginbotham	McDonald	Vacca
Goodwin	Kirkland	Miller	White

—19

Nays: —0

The Bill:

H. 792. To amend Code of Alabama 1975, Section 36-7-20 and 37-7-22 relating to various expense allowances for state employees so as to provide that the Governor may increase the mileage allowances and per diem allowances for such employees.

was read a third time at length and passed.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Denton	Goodwin	Hall
Callahan	Figures	Gulledge	Harrison

Higginbotham	Little	Miller	Robertson
Kirkland	Martin	Mitchem	Vacca
Lemaster	McDonald	Proctor	White

—19

Nays: —0

The Bill:

H. 317. Relating to the eradication and control of swine diseases: to make an appropriation to the Department of Agriculture and Industries for the fiscal year ending September 30, 1980, to indemnify owners of swine for the value of any swine ordered condemned and destroyed for the prevention and eradication of the disease of hog cholera, African swine fever and other swine diseases.

was read a third time at length and passed.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Gulledge	Lemaster	Mitchem
Callahan	Hall	Little	Proctor
Denton	Harrison	Martin	Robertson
Figures	Higginbotham	McDonald	Vacca
Goodwin	Kirkland	Miller	White

—19

Nays: —0

The Bill:

H. 122. To establish and provide for the Forestry Study Committee; and to make an appropriation from the general fund to implement the provisions hereof.

was taken up.

The Standing Committee on Finance and Taxation reported the following amendment to the Bill, H. B. 122, to-wit:

AMENDMENT TO H. B. 122

Amend House Bill 122, page 1, line 28 by inserting after the word "Secretary" the following words:

"and the Alabama Cooperative Extension Service Extension Forester shall be a member".

And further amend on line 28, delete the word "eight" and insert in lieu thereof the word "seven".

Which was adopted.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Denton	Goodwin	Hall
Callahan	Figures	Gulledge	Harrison

Higginbotham	Little	Miller	Robertson
Kirkland	Martin	Mitchem	Vacca
Lemaster	McDonald	Proctor	White

—19

Nays: —0

And said Bill, H. B. 122, as thus amended, was read the third time at length and passed.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Gulledge	Lemaster	Mitchem
Callahan	Hall	Little	Proctor
Denton	Harrison	Martin	Robertson
Figures	Higginbotham	McDonald	Vacca
Goodwin	Kirkland	Miller	White

—19

Nays: —0

The Bill:

H. 71. To amend Section 8-16-51 of Title 8 of the Code of Alabama 1975 to increase the annual appointment fee required to be paid to the Commissioner of Agriculture and Industries by persons appointed or designated as weighmasters by increasing the annual fee to $10.00.

was read a third time at length and passed.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Gulledge	Lemaster	Mitchem
Callahan	Hall	Little	Proctor
Denton	Harrison	Martin	Robertson
Figures	Higginbotham	McDonald	Vacca
Goodwin	Kirkland	Miller	White

—19

Nays: —0

The Bill:

H. 417. To allow all local Boards of Education to expend reasonable sums for payment to employees for suggestions.

was read a third time at length and passed.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Gulledge	Lemaster	Mitchem
Callahan	Hall	Little	Proctor
Denton	Harrison	Martin	Robertson
Figures	Higginbotham	McDonald	Vacca
Goodwin	Kirkland	Miller	White

—19

Nays: —0

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, respectively, and finds same correctly enrolled, to-wit:

S. 482. To provide for secret Grand Jury proceedings and that secrecy inviolate; and further, to provide for the form and content of Grand Jury Reports, and to set criminal penalties for the unauthorized solicitation of, release and/or disclosure of evidence, testimony and other matters pertaining to Grand Jury proceedings; provides for an oath of secrecy to be given Grand Jury witnesses, and further proscribes criminal penalties for the obstruction of Grand Jurors, Grand Jury witnesses and their testimony.

ALBERT McDONALD,
Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing report from the Committee on Rules.

BILLS ON THIRD READING RESUMED

The Bill:

H. 381. To amend Section 40-18-15 of the Code of Alabama 1975, as amended, relating to state income tax deductions for individuals so as to increase the percentage of such deductions allowable for contributions or gifts to religious, charitable or scientific institutions.

was read a third time at length and passed.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Gulledge	Lemaster	Mitchem
Callahan	Hall	Little	Proctor
Denton	Harrison	Martin	Robertson
Figures	Higginbotham	McDonald	Vacca
Goodwin	Kirkland	Miller	White

—19

Nays: —0

The Bill:

H. 501. To require any person, firm, or corporation which operates, constructs, or maintains a nuclear powered electric generating facility licensed by the U. S. Nuclear Regulatory Commission to conduct inquiries into the criminal records of any employee who performs duties at such facility; to require that fingerprint cards of such employee be submitted by

his employer to the Alabama Department of Public Safety requiring a search to be conducted of state and federal criminal history files with the results thereof being furnished to submitting employer; to provide exemptions of certain employees from the provisions of this Act; and to relieve and hold harmless the Department of Public Safety from any liability arising from disclosure of criminal history records provided under the provisions of this Act.

was read a third time at length and passed.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Gulledge	Lemaster	Mitchem
Callahan	Hall	Little	Proctor
Denton	Harrison	Martin	Robertson
Figures	Higginbotham	McDonald	Vacca
Goodwin	Kirkland	Miller	White

—19

Nays: —0

The Bill:

H. 508. To amend Sections 2-15-20, 2-15-27 and 2-15-28, Code of Alabama 1975, relating to the branding of livestock so as to include tattoo marks on the hide or in the ear in the definition of the word "Brand." It provides that regulations promulgated by the commissioner of agriculture which will facilitate the tracing and identification of lost, stolen or estrayed livestock shall include information on the tracing and identification of swine by brands, tattoos or other means.

was read a third time at length and passed.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Gulledge	Lemaster	Mitchem
Callahan	Hall	Little	Proctor
Denton	Harrison	Martin	Robertson
Figures	Higginbotham	McDonald	Vacca
Goodwin	Kirkland	Miller	White

—19

Nays: —0

The Bill:

H. 264. To amend Alabama Code 1975, Section 5-5-1, so as to provide that where an emergency exists which might cause closing and liquidating, the Superintendent of Banks may waive the three-week publication requirement in order to permit formation of a new state bank insured by Federal Deposit Insurance Corporation which is participating in a purchase and assumption or other transaction under federal banking laws, such publication to occur after the new bank commences business; and to eliminate the requirement of the publication of the list of stockholders.

was taken up.

The Standing Committee on Banking and Insurance reported the following amendment to the Bill, H. B. 264, to-wit:

COMMITTEE AMENDMENT NO. 1 TO H. B. 264

Amend House Bill 264 on Page 2, Line 7, after the word "incorporators," by adding the words "and Stockholders."

Which was adopted.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Gulledge	Lemaster	Mitchem
Callahan	Hall	Little	Proctor
Denton	Harrison	Martin	Robertson
Figures	Higginbotham	McDonald	Vacca
Goodwin	Kirkland	Miller	White

—19

Nays: —0

The Standing Committee on Banking and Insurance then reported the following amendment to the Bill, H. B. 264, as amended, to-wit:

COMMITTEE AMENDMENT NO. 2 TO H. B. 264, AS AMENDED

Amend House Bill 264 on Page 2, Line 17, by removing the quotation marks at the end of the word "business" and inserting the following additional sentences:

"Such publication shall commence within five days of the date the assuming corporation begins business and shall include the requirements stated elsewhere in this section, however, in lieu of the names of all shareholders of the assuming corporation, the names of the executive officers and ten percent (10%) shareholders of the assuming corporation shall be substituted."

Which was adopted.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Gulledge	Lemaster	Mitchem
Callahan	Hall	Little	Proctor
Denton	Harrison	Martin	Robertson
Figures	Higginbotham	McDonald	Vacca
Goodwin	Kirkland	Miller	White

—19

Nays: —0

And said Bill, H. B. 264, as thus amended, was read a third time at length and passed.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Denton	Goodwin	Hall
Callahan	Figures	Gulledge	Harrison

Higginbotham	Little	Miller	Robertson
Kirkland	Martin	Mitchem	Vacca
Lemaster	McDonald	Proctor	White

—19

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 494. This bill amends Section 16-5-1 through 16-5-10, Code of Alabama 1975, an act to establish the Alabama Commission on Higher Education, so as to change the name of the Commission, to expand the membership of the Commission, to establish the Commission as the statewide long-range planning agency for postsecondary education, to provide the Commission with the authority of approval for new units or programs of instruction for academic credit, for advisory coordination of research and public service, the authority to regulate off-campus offerings for academic credit, the authority to regulate units or programs of instruction by non-Alabama institutions, to designate the Commission as the state agency responsible for the administration of those titles of the Higher Education Acts of 1965 as amended for those programs requiring a single state agency and those functions under the Southern Regional Education Compact heretofore assigned to the State Board of Education.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

BILLS ON THIRD READING RESUMED

The Bill:

H. 846. To authorize each county in Alabama to issue and sell, for the purpose of financing the costs of erecting necessary public buildings, bridges and roads or for refunding purposes, interest-bearing tax anticipation warrants payable solely out of the special road, bridge and public building tax authorized to be levied by counties under § 215 of the Constitution of Alabama (as amended), to authorize the county commission of the issuing county (subject to certain specified conditions) to fix the terms and conditions on which such warrants may be issued and sold, to provide that such warrants shall not be subject to the laws of the state relating to usury or limiting interest rates, that the provisions of § 11-8-10 of the Code of Alabama 1975, as amended, shall not apply to any such warrants and that such warrants may be issued without an election.

was read a third time at length and passed.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Gulledge	Lemaster	Mitchem
Callahan	Hall	Little	Proctor
Denton	Harrison	Martin	Robertson
Figures	Higginbotham	McDonald	Vacca
Goodwin	Kirkland	Miller	White

—19

Nays: —0

The Bill:

H. 573. To amend Sections 8-6-3, 8-6-7, 8-6-8, 8-6-11, 8-6-12, 8-6-18, 8-6-57 and 8-6-58, Code of Alabama 1975, relating to the Alabama Securities Act, so as to further delineate the circumstances under which the commission may deny, suspend or revoke registration of dealers or salesmen; to require the submission of an opinion of counsel as to the legality of securities being registered by qualification; to provide that registration by qualification shall be effective for a period of one year; to further define an isolated transaction; to increase the filing fee for application for exemption from registration in certain nonpublic offerings of securities; to further define the scope of the act with respect to when an offer or sale is made in this state; to increase the criminal penalties for violation of the act and provide for its enforcement; to change the merit system classification of the deputy director; and to provide for the employment of additional personnel.

was read a third time at length and passed.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Gulledge	Lemaster	Mitchem
Callahan	Hall	Little	Proctor
Denton	Harrison	Martin	Robertson
Figures	Higginbotham	McDonald	Vacca
Goodwin	Kirkland	Miller	White

—19

Nays: —0

The Bill:

H. 495. To propose an amendment to the Constitution to provide for a weekly travel allowance for members of the legislature while in session, payable at the same rate as the travel allowance authorized for state employees under the general laws of the state.

was read a third time at length as required by the Constitution and passed.

Yeas 21; Nays 3.

Yeas:

Messrs.:	Callahan	Figures	Hall
Bailey	Cook	Goodwin	Little
Britnell	Denton	Gulledge	Martin

McDonald	Pearson	Teague	Weeks
Miller	St. John	Vacca	White
Parsons	Smith		

—21

Nays: Messrs.: Harrison, Mitchem, Robertson. —3

The Bill:

H. 427. To provide for a privilege license for automotive dismantlers and parts recyclers; to fix a fee for such license; to require proof of responsibility for such license; to provide for the business which may be carried on under such license; to set qualifications for obtaining such license; to require maintenance of certain records to assist law enforcement officials; to authorize holders of such license to transfer certificates of title to motor vehicles as a licensed motor vehicle dealer; to provide for cancellation or revocation of such license; to require buyers at salvage pools or salvage disposal sales to obtain a buyer's identification card to purchase at such sales, and fix the qualifications for such buyers; to fix a penalty for violations of this Act; and to set an effective date.

was read a third time at length and passed.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Gulledge	Lemaster	Mitchem
Callahan	Hall	Little	Proctor
Denton	Harrison	Martin	Robertson
Figures	Higginbotham	McDonald	Vacca
Goodwin	Kirkland	Miller	White

—19

Nays: —0

The Bill:

H. 674. To make an appropriation to the University of Alabama in Birmingham, School of Optometry, from funds which are on deposit in the State Treasury.

was read a third time at length and passed.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Gulledge	Lemaster	Mitchem
Callahan	Hall	Little	Proctor
Denton	Harrison	Martin	Robertson
Figures	Higginbotham	McDonald	Vacca
Goodwin	Kirkland	Miller	White

—19

Nays: —0

The Bill:

H. 378. To amend the Code of Alabama 1975, §9-11-53, subsection (a) so as to increase the cost of resident fishing licenses, and restricting the hook and line license to the county in which the licensee resides.

was taken up.

The Standing Committee on Agriculture, Conservation, and Forestry reported the following substitute for the Bill, H. B. 378, to-wit:

COMMITTEE SUBSTITUTE FOR H. B. 378

A BILL
TO BE ENTITLED
AN ACT

To amend the Code of Alabama 1975, § 9-11-53, subsection (a) so as to increase the cost of resident fishing licenses, and restricting the hook and line license to the county in which the licensee resides.

Be It Enacted by the Legislature of Alabama:

Section 1. The Code of Alabama 1975, § 9-11-53, subsection (a) is hereby amended to read as follows:

"(a) Any person who has been a bona fide resident of this state for a period of not less than 90 days next preceding and who is between the ages of 16 and 65 shall not take, catch, kill or attempt to take, catch or kill any fish in any of the waters of this state in which freshwater fish appear by angling with rod and reel or by use of any artificial bait, fly or lure without first procuring an annual state fishing license and paying therefor the sum of $3.00 $6.00. No resident of this state between the ages of 16 and 65 shall take, catch, kill or attempt to take, catch or kill any fish in any waters of this state his or her county of residence without first procuring an annual state county fishing license and paying therefor the sum of $1.00. Any resident angling with hook and line in such waters of this state outside his or her county of residence must procure the annual state fishing license. Any resident who procures a rod and reel license, however, shall be entitled to fish with a hook and line without the necessity of procuring an additional license. These licenses shall be issued in the manner and under the conditions, limitations and exemptions as expressly provided for in this section."

Section 2. All laws or parts of laws in conflict with the provisions of this Act are hereby repealed.

Section 3. This Act shall become effective on October 1, 1979, upon approval by the Governor or upon otherwise becoming a law.

The Standing Committee on Agriculture, Conservation, and Forestry then reported the following amendment to the substitute, for the Bill, H. B. 378, to-wit:

COMMITTEE AMENDMENT TO SUBSTITUTE FOR H. B. 378

Amend Committee Substitute for House Bill No. 378, page 1, line 31, by inserting after the word "resident" the following:

, in which freshwater fish appear by angling with a hook and line,

Further amend Committee Substitute for House Bill No. 378, page 2, line 6, by adding the following sentence:

Ten (10) percent of the revenue generated by the licenses provided for herein shall be earmarked for use by the Marine Resources Division of the Department of Conservation and Natural Resources for the purpose of research, management and development of Sports Fisheries.

Which was adopted.

And said substitute, as thus amended, for the Bill, H. B. 378, was then adopted.

Yeas 17; Nays 3.

Yeas:

Messrs.:	deGraffenried	Kirkland	St. John	
Bailey	Denton	McDonald	Smith	
Barron	Goodwin	Mitchem	Vacca	
Callahan	Hall	Pearson	Weeks	
Cook	Higginbotham			—17

Nays: Messrs.: Little, Parsons, Robertson. —3

And said Bill, H. B. 378, as thus amended by the substitute, was read a third time at length and passed.

Yeas 17; Nays 3.

Yeas:

Messrs.:	deGraffenried	Kirkland	St. John	
Bailey	Denton	McDonald	Smith	
Barron	Goodwin	Mitchem	Vacca	
Callahan	Hall	Pearson	Weeks	
Cook	Higginbotham			—17

Nays: Messrs.: Little, Parsons, Robertson. —3

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 157. To amend Sections 34-27-4, 34-27-31 and 34-27-35 of the Code of Alabama 1975, as amended, Regular Session, 1978, Acts No. 654, pertaining to qualifications for real estate broker and real estate salesmen licensees, so as to establish a Real Estate Recovery Fund"; to provide procedural rights for aggrieved parties in certain real estate transactions and to provide for the termination of the license of any person against whom a judgment creates a claim against such fund; and to further provide for certain fees and the distribution thereof.

Also:

H. 148. To amend Code of Alabama 1975, Sections 40-20-2 and 40-20-8, so as to increase the rate of tax; to provide further for distribution of the proceeds of the tax; and to provide certain exemptions from the increased rate.

Also:

H. 758. To ratify the actions of cities or towns in awarding and proceeding under contracts for improvements, the cost of which is to be assessed against the property drained, served or benefited by such improvements,

when bids for the construction of such improvements were received and contracts were awarded and executed before the holding of the protest meeting required by Section 11-48-8 of the CODE OF ALABAMA 1975, and to state the limitations on such ratification.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thrids vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 360. To amend Sections 22-5-2, 22-5-4, 22-5-5, 22-5-6 and 22-5-7, Code of Alabama 1975, relating to the state commission on physical fitness, so as to provide further for the protection, promotion and improvement of the physical fitness of residents of the state; to provide further for the number of members constituting a quorum; to provide further for the duties of the commission; and to provide further for merit system employment for employees of the commission.

Also:

H. 451. To amend Section 9-17-13, Code of Ala. 1975, so as to more clearly provide for the integration or pooling and for the unitization of other interests included in tracts of land with regard to oil and gas drilling units and oil and gas pools.

Also:

H. 452. To amend Section 9-17-83, Subsections (3), (4), (5), and (7), Code of Ala. 1975, so as to more clearly render said subsections to include other "interests" within "tracts" in unitization orders.

Also:

H. 454. To amend Section 9-17-1, Subsection (3), Code of Ala. 1975, so as to provide for a redefinition of the word "oil" with reference to pool rather than well.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 201. To require all of the right, title and interest of the State of Alabama in and to the real property acquired by and in the name of the State of Alabama for the use and benefit of the state educational institution formerly known as Jacksonville State College at Jacksonville, Alabama, is hereby conveyed to and vested in Jacksonville State University, the body corporate created by Act No. 239, Regular Session 1967, approved August 16, 1967.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 71. To amend Section 8-16-51 of Title 8 of the Code of Alabama 1975 to increase the annual appointment fee required to be paid to the Commissioner of Agriculture and Industries by persons appointed or designated as weighmasters by increasing the annual fee to $10.00.

Also:

H. 241. To amend Section 11-51-200 of the Code of Alabama 1975, providing for the levy of a sales tax paralleling the state sales tax by the incorporated cities and towns of the state, so as to remove the prohibition on the levy of such taxes on the alcoholic beverage control board in the sale of alcoholic beverages, and to provide that any counties that have authority to tax under the present law shall have full authority to levy such tax upon the alcoholic beverage control board in the sale of alcoholic beverages as provided under the statutory authorization.

Also:

H. 256. To provide for a procedure of payroll deductions for certain contributions made by state officers and employees.

Also:

H. 298. To transfer the LaGrange Historical Site owned by the LaGrange Historical Commission of the State of Alabama to the Alabama Historical Commission.

Also:

H. 317. Relating to the eradication and control of swine diseases: to make an appropriation to the Department of Agriculture and Industries for the fiscal year ending September 30, 1980, to indemnify owners of swine for the value of any swine ordered condemned and destroyed for the prevention and eradication of the disease of hog cholera, African swine fever and other swine diseases.

Also:

H. 331. Relating to elections; to provide for hours of voting; and for such purpose amending Code of Alabama 1975, Section 17-7-6, and repealing Sections 17-7-10 and 17-9-30.

Also:

H. 381. To amend Section 40-18-15 of the Code of Alabama 1975, as amended, relating to state income tax deductions for individuals so as to increase the percentage of such deductions allowable for contributions or gifts to religious, charitable or scientific institutions.

Also:

H. 403. This Bill creates a Driver License Medical Advisory Board nominated by the Medical Association of the State of Alabama and appointed by the Director of Public Safety to advise the Director concerning the medical aspects of driver licensing. It also outlines the functions and responsibilities of the board; provides for the confidentiality of related reports and immunity from legal actions.

Also:

H. 417. To allow all local Boards of Education to expend reasonable sums for payment to employees for suggestions.

Also:

H. 501. To require any person, firm, or corporation which operates, constructs, or maintains a nuclear powered electric generating facility licensed by the U. S. Nuclear Regulatory Commission to conduct inquiries into the criminal records of any employee who performs duties at such facility; to require that fingerprint cards of such employee be submitted by his employer to the Alabama Department of Public Safety requiring a search to be conducted of state and federal criminal history files with the results thereof being furnished to submitting employer; to provide exemptions of certain employees from the provisions of this Act; and to relieve and hold harmless the Department of Public Safety from any liability arising from disclosure of criminal history records provided under the provisions of this Act.

Also:

H. 562. To amend section 22-27-5 of the Code of Alabama 1975 which relates to the authority of localities to establish fees and enter into mutual agreements or contracts in connection with solid waste disposal, so as to further provide remedies for the nonpayment of fees.

Also:

H. 792. To amend Code of Alabama 1975, Section 36-7-20 and 37-7-22 relating to various expense allowances for state employees so as to provide that the Governor may increase the mileage allowances and per diem allowances for such employees.

Also:

H. 814. To indemnify the commissioner of the board of corrections, deputy commissioners, members of the board of corrections, and other officers, employees and agents of the board of corrections for acts arising out of and performed in connection with their official duties in behalf of the state of Alabama.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 846. To authorize each county in Alabama to issue and sell, for the purpose of financing the costs of erecting necessary public buildings, bridges and roads or for refunding purposes, interest-bearing tax anticipation warrants payable solely out of the special road, bridge and public building tax authorized to be levied by counties under § 215 of the Constitution of Alabama (as amended), to authorize the county commission of the issuing county (subject to certain specified conditions) to fix the terms and conditions on which such warrants may be issued and sold, to provide that such warrants shall not be subject to the laws of the state relating to usury or limiting interest rates, that the provisions of § 11-8-10 of the Code of Alabama 1975, as amended, shall not apply to any such warrants and that such warrants may be issued without an election.

Also:

H. 508. To amend Sections 2-15-20, 2-15-27 and 2-15-28, Code of Alabama 1975, relating to the branding of livestock so as to include tattoo marks on the hide or in the ear in the definition of the word "Brand." It provides that regulations promulgated by the commissioner of agriculture which will facilitate the tracing and identification of lost, stolen or estrayed livestock shall include information on the tracing and identification of swine by brands, tattoos or other means.

Also:

H. 573. To amend Sections 8-6-3, 8-6-7, 8-6-8, 8-6-11, 8-6-12, 8-6-18, 8-6-57 and 8-6-58, Code of Alabama 1975, relating to the Alabama Securities Act, so as to further delineate the circumstances under which the commission may deny, suspend or revoke registration of dealers or salesmen; to require the submission of an opinion of counsel as to the legality of securities being registered by qualification; to provide that registration by qualification shall be effective for a period of one year; to further define an isolated transaction; to increase the filing fee for application for exemption from registration in

certain nonpublic offerings of securities; to further define the scope of the act with respect to when an offer or sale is made in this state; to increase the criminal penalties for violation of the act and provide for its enforcement; to change the merit system classification of the deputy director; and to provide for the employment of additional personnel.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 151. To create an additional judgeship for the Tenth Judicial Circuit of Alabama; to provide for the election of such judge; to prescribe the jurisdiction, powers, authority, qualifications, duties, and compensation of such judge, and to render such judge liable to all the pains and penalties of other Circuit Judges in the State; to further provide for a division of authority and duties between judgeships in said Circuit; to increase the number of Circuit Judges in the Tenth Judicial Circuit of Alabama to 20; to repeal all laws or parts of laws in conflict herewith; to amend Section 12-17-20 of the 1975 Code of Alabama; to eliminate one district judgeship in the Birmingham District of Jefferson County; and to provide the effective date of this Act.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill:

H. 580. To provide up to a 7% cost-of-living increase for all certified employees and full-time support personnel paid from state funds in the elementary-secondary schools, and the Alabama Institute for Deaf and Blind paid from state funds, and for all full-time academic instructional personnel in the Department of Youth Services paid from state funds, for full-time instructional staff for junior, technical, and community colleges paid from state funds, and to identify the funds from which said cost-of-living increase and other fringe benefits shall be paid and to provide a procedure for determining availability and paying out of such funds. Also additional funds to Athens State College and the universities.

said Conference Report being in words and figures as follows:

REPORT OF CONFERENCE COMMITTEE
ON HOUSE BILL 580

We, the Committee on Conference appointed to reconcile the differences between the two Houses on House Bill 580 have met and agreed on a bill. A copy of the bill as agreed upon by the Conference Committee is attached hereto.

REP. WALTER OWENS,

REP. ROBERT C. GAFFORD,

REP. TOMMY CARTER,

SENATOR J. RICHMOND PEARSON,

SENATOR FINNIS E. ST. JOHN, III,

SENATOR BILL G. SMITH,

Conference Committee.

SUBSTITUTE FOR THE SUBSTITUTE FOR H. 580

A BILL
TO BE ENTITLED
AN ACT

To provide up to a 7% cost-of-living increase for all certified employees and full-time support personnel paid from state funds in the elementary-secondary schools, and the Alabama Institute for Deaf and Blind paid from state funds, and for all full-time academic instructional personnel in the Department of Youth Services paid from state funds, for full-time instructional staff for junior, technical, and community colleges paid from state funds, and to identify the funds from which said cost-of-living increase and other fringe benefits shall be paid and to provide a procedure for determining availability and paying out of such funds. Also additional funds to Athens State College and the universities.

Be It Enacted by the Legislature of Alabama:

SECTION 1. The state Budget Officer shall determine the amounts necessary to pay funds appropriated for each quarter of the fiscal year ending September 30, 1980 under the Educational Appropriation Act and any other appropriations by the 1979 Regular Session from the Alabama Special Educational Trust Fund, and appropriation bills for Tuskegee Institute, Lyman Ward, Marion Institute, Walker Junior College, and Talladega College. The state Budget Officer shall further determine the amount for each such quarter, in excess of said appropriations, which must be reserved in order to establish an unappropriated ending balance of $11,447,537 in the Alabama Special Educational Trust Fund on, and for the fiscal year ending, September 30, 1980. To the extent revenues accrue to the Alabama Special Educational Trust Fund for each of the four quarters of the fiscal year in amounts beyond those funds necessary to pay the above-mentioned appropriations and establish the said unappropriated ending balance, the Budget Officer shall certify those additional funds, if any, as being available to provide salary increases made herein.

SECTION 2. All revenue received by the Alabama Special Educational Trust Fund and not required for the appropriations and unappropriated ending balance described above is hereby available for an increase in salaries for the 1979-80 Fiscal Year up to the amount and in the manner hereinafter prescribed.

The Budget Officer shall allocate funds to the State Board of Education for disbursement to the local school systems, the technical, junior, and community colleges, to the board of the Alabama Institute for Deaf and Blind, to the board of the Department of Youth Services, and to the respective boards of the public colleges and universities.

(a) Teacher units funded by the Alabama Special Educational Trust Fund for all elementary-secondary programs (including vocational) and certified academic and vocational instructors at the Alabama Institute for Deaf and Blind and in the Department of Youth Services shall receive an increase of up to 7% of the state salary allocated in 1978-79 Fiscal Year.

(b) Full-time lunchroom workers, bus drivers, and all other support personnel in the elementary-secondary systems and at the Alabama Institute for Deaf and Blind shall receive an increase of up to 7% of state salary allocated in 1978-79 Fiscal Year.

(c) The State Board of Education shall receive an appropriation based on all full-time instructors, librarians, and counselors in the technical colleges of up to 7% of the state salary allocated in the 1978-79 fiscal year, to be distributed to the said technical colleges.

(d) The State Board of Education shall receive an appropriation based on all full-time instructors, librarians, and counselors in the junior colleges of up to 7% of the state salary allocated in the 1978-79 fiscal year, to be distributed to the said junior colleges.

(e) Athens State College and the universities shall receive an appropriation based on full-time instructional staff of up to 7% of state salary allocated in the 1978-79 Fiscal Year. However, it is the intent of the Legislature that said funds be used to grant cost of living rasises on a fair and equitable basis for all classifications of personnel of said college and universities. Provided, however, Athens State College and the universities under this subsection shall have authority to transfer funds between line items to grant cost-of-living increases to full-time support personnel, the intent of the Legislature being that the funds be used to grant cost-of-living raises on a fair and equitable basis for all personnel of said college and the universities. However, the above language shall not be construed to prohibit the college administration from basing such raises on merit at the discretion of the administration.

SECTION 3. In addition to the provisions provided for in Section 2(a) and (b) the Governor is hereby authorized to allocate up to $135,000 dollars for liability insurance for teachers as a fringe benefit from the funds provided for in the Governor's war on illiteracy.

SECTION 4. For the purpose of the Budget Officer making calculations of the money required to fund this appropriation, the State Superintendent of Education shall certify to the Budget Officer the number of teacher units allocated to each school board from state funds, the number of support personnel paid from state funds under each school board, and the number of full-time instructors, librarians, and counselors at each technical, junior, and community college paid from state funds. The President of the Alabama

Institute for Deaf and Blind shall certify the number of full-time certified instructional staff and support personnel at that institution paid from state funds. The Director of the Department of Youth Services shall certify to the Budget Officer the number of full-time academic and vocational teachers and activities program supervisors paid from state funds in the Department. Each college or university president shall certify to the Budget Officer the amount necessary to comply with Section 2 (e).

SECTION 5. Upon the allocation by the Budget Officer, the state Treasurer shall issue a warrant in the amount determined to be available for the said quarter by the Budget Officer.

SECTION 6. Payments shall be made by the state Treasurer on January 1, April 1, July 1, and September 30, 1980, or as soon thereafter as possible.

SECTION 7. In the event the full quarterly entitlement is not available in any quarter, such deficit shall be made up in subsequent quarters as funds are available.

SECTION 8. All laws or parts of laws which conflict with this act are hereby repealed.

SECTION 9. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

SECTION 10. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And said bill as thus amended by the Report of the Committee on Conference was again read and passed.

And said bill, together with the Report of the Committee on Conference, is herewith returned to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE AND CONFERENCE MESSAGE

Mr. St. John moved that the Senate concur in and adopt the Report of the Committee on Conference appointed to reconcile the disagreement of the two Houses on the Senate amendment to the Bill, H. B. 580, the title of which and said Conference Report are set out in the foregoing Message from the House.

Mr. Proctor offered a substitute motion that the Senate non-concur in the Conference Report and requested that the Conference Committee be discharged and a new Conference Committee be appointed.

On motion of Mr. St. John, the motion to non-concur was laid on the table.

Yeas 14; Nays 13.

Yeas:

Messrs.:	Goodwin	McDonald	Smith	
Bailey	Gulledge	Miller	Weeks	
Callahan	Harrison	Pearson	White	
Denton	Higginbotham	St. John		—14

Nays:

Messrs.:	Kirkland	Mitchem	Robertson	
Barron	Lemaster	Parsons	Teague	
Britnell	Little	Proctor		—13
deGraffenried	Martin			
Hall				

Mr. Little moved that further consideration of the Conference Report on the Bill, H. B. 580, be postponed until the next Legislative Day.

Mr. St. John moved that the motion to postpone be laid on the table, which resulted in a tie vote.

Yeas 15; Nays 15.

Yeas:

Messrs.:	Goodwin	McDonald	Smith	
Bailey	Gulledge	Miller	Vacca	
Callahan	Harrison	Pearson	Weeks	
Denton	Higginbotham	St. John	White	
				—15

Nays:

Messrs.:	Figures	Lemaster	Parsons	
Barron	Hall	Little	Proctor	
Britnell	Keener	Martin	Robertson	
deGraffenried	Kirkland	Mitchem	Teague	
				—15

The President and Presiding Officer of the Senate voted "Aye"; therefore the motion to table prevailed.

The question then recurred on the motion of Mr. St. John, that the Senate concur in the Conference Report on the Bill, H. B. 580.

MOTION TO ADJOURN LOST

At 11:40 P.M., Mr. Proctor moved that the Senate adjourn until Monday, July 30, 1979, at 11 o'clock A.M., which motion was lost.

Yeas 14; Nays 17.

Yeas:

Messrs.:	Figures	Lemaster	Proctor	
Barron	Hall	Little	Robertson	
Britnell	Keener	Parsons	Teague	
deGraffenried	Kirkland	Pearson		—14

Nays:

Messrs.:	Goodwin	McDonald	Smith	
Bailey	Gulledge	Miller	Vacca	
Callahan	Harrison	Mitchem	Weeks	
Cook	Higginbotham	St. John	White	
Denton	Martin			—17

FURTHER CONSIDERATION OF CONFERENCE REPORT ON H. B. 580

The Senate proceeded to further consideration of the Conference Report on the Bill, H. B. 580. The question was on the motion of Mr. St. John that the Senate concur in said Conference Report.

And said motion was adopted, and the Senate concurred in the Conference Report on the Bill, H. B. 580.

Yeas 16; Nays 14.

Yeas:

Messrs.:	Goodwin	McDonald	Smith	
Bailey	Gulledge	Miller	Vacca	
Callahan	Harrison	Mitchem	Weeks	
Cook	Higginbotham	St. John	White	
Denton				—16

Nays:

Messrs.:	Hall	Little	Proctor	
Barron	Keener	Martin	Robertson	
Britnell	Kirkland	Parsons	Teague	
deGraffenried	Lemaster	Pearson		—14

REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Senate Joint Resolutions and Senate Bills delivered to the Governor and the Secretary of State, with the date and hour of delivery, to-wit:

S. B. 537

Delivered to the Secretary of State, July 17, 1979, at 3:25 P.M.

S. B. 198

S. B. 237

S. B. 522

S. J. R. 133

S. J. R. 118

S. B. 479

S. B. 539

S. B. 560

S. B. 569

S. B. 579

S. B. 488

S. B. 487

Delivered to the Governor, July 18, 1979, at 3:20 P.M.

S. J. R. 140

S. J. R. 143

S. J. R. 144

S. J. R. 145

S. J. R. 146

S. B. 229

S. B. 481

S. B. 200

S. B. 342

Delivered to the Governor, July 18, 1979, at 5:15 P.M.

S. B. 32

S. B. 35

S. B. 100

S. B. 364

S. B. 402

S. B. 583

S. B. 584

S. B. 585

S. B. 592

S. B. 634

S. B. 114

S. B. 132

S. B. 136

S. B. 227

S. B. 523

Delivered to the Governor, July 19, 1979, at 12:20 P.M.

S. B. 235

S. B. 598

S. B. 611

S. B. 620

S. B. 622

S. B. 623

S. B. 624

S. B. 626

S. B. 636

S. B. 638

Delivered to the Governor, July 19, 1979, at 3:30 P.M.

S. B. 54

S. B. 258

S. B. 314

S. B. 316

S. B. 559

S. B. 625

S. B. 627

S. B. 639

Delivered to the Governor, July 19, 1979, at 5:40 P.M.

S. B. 109

S. B. 210

S. B. 247

S. B. 321

S. B. 347

S. B. 397

S. B. 443

S. B. 451

S. B. 572

Delivered to the Governor, July 19, 1979, at 11:45 P.M.

S. B. 482

Delivered to the Governor, July 19, 1979, at 11:25 P.M.

McDOWELL LEE,
Secretary.

SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

ADJOURNMENT

At 11:59 P.M., on motion of Mr. St. John, in accordance with Resolutions heretofore adopted, and pending further consideration of H. B. 337, the Senate adjourned until Monday, July 30, 1979, at 11 o'clock A.M.

Yeas 16; Nays 12.

Yeas:

Messrs.:	Gulledge	Miller	Smith	
Bailey	Hall	Mitchem	Vacca	
Callahan	Harrison	Pearson	Weeks	
Denton	Higginbotham	St. John	White	
Goodwin				—16

Nays:

Messrs.:	deGraffenried	Lemaster	Proctor	
Barron	Keener	Little	Robertson	
Britnell	Kirkland	Martin	Teague	
Cook				—12

THIRTIETH LEGISLATIVE DAY

MONDAY, JULY 30, 1979

The Senate met pursuant to adjournment, Lieutenant Governor McMillan presiding.

PRAYER

The Session was opened with prayer by Dr. Thomas Lane Butts, Minister, First United Methodist Church, Montgomery, Alabama.

ROLL CALL

Present:

Messrs.:	Figures	Kirkland	Proctor
Bailey	Glass	Lemaster	Robertson
Barron	Goodwin	Little	St. John
Britnell	Gulledge	Martin	Smith
Callahan	Hall	McDonald	Taylor
Clemon	Harrison	Miller	Teague
Cook	Higginbotham	Mitchem	Vacca
deGraffenried	Holmes	Parsons	Weeks
Denton	Keener	Pearson	White

—35

JOURNAL

On motion of Mr. St. John, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 151. To create an additional judgeship for the Tenth Judicial Circuit of Alabama; to provide for the election of such judge; to prescribe the jurisdiction, powers, authority, qualifications, duties, and compensation of such judge, and to render such judge liable to all the pains and penalties of other Circuit Judges in the State; to further provide for a division of authority and duties between judgeships in said Circuit; to increase the number of Circuit Judges in the Tenth Judicial Circuit of Alabama to 20; to repeal all laws or parts of laws in conflict herewith; to amend Section 12-17-20 of the 1975 Code of Alabama; to eliminate one district judgeship in the Birmingham District of Jefferson County; and to provide the effective date of this Act.

Also:

H. 427. To provide for a privilege license for automotive dismantlers and parts recyclers; to fix a fee for such license; to require proof of responsibility for such license; to provide for the business which may be carried on under such license; to set qualifications for obtaining such license; to require maintenance of certain records to assist law enforcement officials; to authorize holders of such license to transfer certificates of title to motor vehicles as a licensed motor vehicle dealer; to provide for cancellation or revocation of such

license; to require buyers at salvage pools or salvage disposal sales to obtain a buyer's identification card to purchase at such sales, and fix the qualifications for such buyers; to fix a penalty for violations of this Act; and to set an effective date.

Also:

H. 674. To make an appropriation to the University of Alabama in Birmingham, School of Optometry, from funds which are on deposit in the State Treasury.

Also:

H. 495. To propose an amendment to the Constitution to provide for a weekly travel allowance for members of the legislature while in session, payable at the same rate as the travel allowance authorized for state employees under the general laws of the state.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills and Senate Joint Resolutions with the original Senate Bills and Senate Joint Resolutions, respectively, and finds same correctly enrolled, to-wit:

S. 58. To confer on any municipality in the state (a) the power to aid, by donation, loan and transfer of property, any public corporation (i) all the directors of which are provided by law to be elected by the governing body of that municipality, or (ii) not less than one-half of the directors of which are provided by law to be elected by the governing body of that municipality and the remaining directors of which are provided by law to be appointed by the Governor, (b) the power to pay, or provide for the payment of, bonds or other securities issued by such a public corporation; and (c) the power to issue securities of such municipality, including securities that are general obligations and securities payable from a limited source, to provide funds for any such donation, loan, transfer, payment, or provision for payment; and to set forth requirements and other provisions with respect to any securities issued by a municipality for such purpose or purposes, including limitations as to the final maturity thereof and provisions as to the sources of the payment thereof and provisions as to the sources of the payment thereof, the pledges that may be made therefor, use of the proceeds therefrom, and related matters.

Also:

S. 88. To amend Section 5-1-17 of the Code of Alabama 1975 relating to special certificates of deposit so as to prescribe certain procedures relating to the maturity of such certificates.

Also:

S. 120. To further regulate night hunting and taking of raccoons or opossums so as to permit the use of dogs, a light and a 22-caliber rimfire rifle using short rifle ammunition or a shotgun using No. 6 shot or greater.

Also:

S. 123. To amend Section 36-25-1 of the Code of Alabama 1975, so as to exclude state soil and water conservation district supervisors from the provisions of the State Ethics Law.

Also:

S. 157. To create a fund known as the "Cost of Evidence Fund" in the amount of fifty thousand dollars to be used by the Alabama Alcoholic Beverage Control Board for the procurement of evidence to aid in the criminal enforcement of the drug and narcotic laws of this State. Monies to be expended for this fund shall be paid from the funds appropriated to the Law Enforcement Division of the Alabama Alcoholic Beverage Control Board for "other expenses."

Also:

S. 164. To amend Section 33-5-10 of the Code of Alabama 1975, relating to certificates of boat registration, so as to require certain officials in the state to issue annual certificates of registration for boats.

Also:

S. 166. To authorize the State Forestry Commission to prepay employees certain necessary travel expenses while they are on official State business outside the State of Alabama.

Also:

S. 169. Relating to the appointment of a curator of the property of persons residing in this state who shall become physically incapacitated, feeble-minded or epileptic, or so mentally or physically defective by reason of age, sickness, the use of drugs, excessive use of alcohol or other causes, and authorizing such curator to take charge of, manage and conserve the property of such person and relating to the effect of the appointment of a curator as to any such person.

Also:

S. 187. To amend Section 36-7-21, Code of Alabama 1975, which provides for authorization of out-of-state travel, so as to provide further for said authorization.

Also:

S. 221. To authorize the Pesticide Residue Laboratory heretofore established by the Department of Agriculture and Industries at Auburn University under authority of Title 2, §§ 2-27-30, 2-27-31 and 2-27-32 of the Code of Alabama of 1975 to conduct analytical work for harmful drug residues as

may be found in raw or processed agricultural and other food products, fish, game and other wildlife for the protection of the public health, aid in developing and expanding markets for agricultural products and for the protection of fish and wildlife.

Also:

S. 231. To amend Section 3-1-12 of the Code of Alabama 1975 providing for the offense of cruelty to animals so as to include the abandonment of an animal within such offense and provide penalties therefor.

Also:

S. 288. To amend Section 41-15-10, Code of Alabama 1975, so as to authorize the finance director to invest state insurance funds in the same types of securities as the employees' retirement system may invest said system's funds.

Also:

S. 349. To permit business and nonprofit corporations to give, pay, expend or contribute money, or services or anything of value for the purposes of establishing, administering or soliciting voluntary contributions to a separate, segregated fund to be utilized for political purposes including aiding or promoting the nomination or election of any person who is or becomes a candidate for political or party office and aiding or promoting the interest and success, or defeat of any political party or proposition; to regulate the solicitation of contributions to such separate, segregated funds; and to amend Title 17, Section 17-22-3, entitled "Corrupt practices enumerated generally" and Title 10, Section 10-2-168, entitled "Giving aid or contributions to political parties or candidates, etc.", Code of Alabama (1975) to provide that it shall not be unlawful for any corporation to expend or contribute money or services or anything of value for the purposes of establishing, administering, or soliciting voluntary contributions to a separate, segregated fund established and administered pursuant to the provisions of this act.

Also:

S. 359. Requiring insurers to furnish to certain fire officials certain information relating to their investigations of certain types of property fire losses; to prescribe evidentiary rules relating to the use of such information and to prescribe penalty for violation.

Also:

S. 386. To prohibit the expenditure of state funds for the purpose of erecting or maintaining signs designating roads, bridges or buildings in honor or in memory of any individual.

Also:

S. 437. To amend Section 25-2-12, Code of Alabama, 1975, as last amended, which relates to the Board of Appeals for the State of Alabama, Department of Industrial Relations.

Also:

S. 461. To provide that it shall be a nuisance and unlawful for anyone to willfully throw or cast artificial lights or rays of artificial light from any motor vehicle in any field, or other real property where a residence or out

building, other structure or livestock exists with the exception of farmers who may do so while checking livestock on owned, leased or rented land; and to provide for penalties.

Also:

S. 501. To amend Section 38-2-12, Code of Alabama 1975, relating to the authority of the Commissioner of the State Department of Pensions and Security to destroy certain obsolete records, so as to reduce the retention requirements on certain case record material from ten to five years.

Also:

S. 582. To establish a program authorizing subsidies to make it possible for children in special circumstances such as with medical needs, disabilities or in long term foster care to be adopted.

Also:

S. J. R. 151. COMMENDING THE STUDENTS OF GRISSOM HIGH SCHOOL, HUNTSVILLE, ALABAMA, ON THE ESTABLISHMENT OF AN ANNUAL "HONOR AMERICA DAY."

Also:

S. J. R. 153. EXPRESSING APPRECIATION TO THE MOBILE HOUSE AND SENATE DELEGATION AND TO THE ALABAMA SHERIFFS ASSOCIATION.

ALBERT McDONALD,
Chairman.

SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills and Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the State Ethics Commission.

Respectfully submitted,

JAMES E. FOY,
Executive Secretary.

Done this 30th day of July, 1979.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Mr. Neil O. Davis, Auburn, Alabama, for the term beginning September 1, 1979 and ending September 1, 1984, to the State Ethics Commission.

Respectfully,
FOB JAMES,
Governor.

Done this 30th day of July, 1979.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the State Ethics Commission, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to appointments to the State Ethics Commission.

Respectfully submitted,
JAMES E. FOY,
Executive Secretary.

Done this 27th day of July, 1979.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, the following:

Dr. John E. Vickers, Selma, Alabama (replacing Dr. Bagley)

Term expiring September 1, 1982

Mr. Adolph Weil, Montgomery, Alabama (replacing Dr. Leslie Wright)

Term expiring September 1, 1982

Mr. Neil O. Davis, Auburn, Alabama (resigned Ira D. Pruitt, Jr.)

Term expiring September 1, 1979

as members of the State Ethics Commission.

Respectfully,
FOB JAMES,
Governor.

Done this 27th day of July, 1979.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to appointments to the State Ethics Commission, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has received the accompanying message from His Excellency, the Governor, proposing an amendment to the Bill:

H. 3. To amend Section 37-1-3, Code of Alabama 1975, so as to provide that the members of the Public Service Commission shall take office the day after the general election at which they were elected.

Said Governor's Message being in words and figures as follows, to-wit:

MESSAGE FROM THE GOVERNOR

To The House of Representatives
State Capitol
Montgomery, Alabama

Ladies and Gentlemen:

I transmit herewith a Message from the Governor concerning House Bill Number 3, without his signature and approval and with a suggested Executive Amendment.

Respectfully submitted,
JAMES E. FOY,
Executive Secretary.

Done this 19th day of July, 1979.

To The House of Representatives
State Capitol
Montgomery, Alabama

Ladies and Gentlemen:

I am returning to you, the Body in which it originated, House Bill Number 3, without my signature and approval and with the following suggested Executive Amendment.

Amend House Bill Number 3 by deleting the House amendment to said bill which reads as follows:

"Section 2. The provisions of this Act shall not diminish the term of any member currently elected to the public service commission."

This Executive Amendment is not intended to affect the Senate amendment to said Bill.

The adoption of the above and foregoing suggested Executive Amendment will remove my objections to this Bill.

Respectfully,
FOB JAMES,
Governor.

And the House has concurred in and adopted the amendment proposed by His Excellency, the Governor to the Bill, H. B. 3, by a vote of a majority of said vote being: Yeas 39, Nays 0.

And said Bill, as amended by the Executive Amendment, was again read at length and passed by a vote of a majority of the whole number elected to the House, said vote being: Yeas 54, Nays 0.

And said Bill, H. 3, together with the Executive Amendment, is herewith sent to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE AND GOVERNOR'S MESSAGE

On motion of Mr. Callahan, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, H. B. 3, the title of which and said Executive amendment are set out in the foregoing Message from the House.

Yeas 29; Nays 0.

Yeas:

Messrs.:	Figures	Kirkland	Pearson	
Bailey	Goodwin	Lemaster	Proctor	
Barron	Gulledge	Little	Robertson	
Britnell	Hall	Martin	St. John	
Callahan	Harrison	McDonald	Smith	
Clemon	Higginbotham	Mitchem	Taylor	
deGraffenried	Holmes	Parsons	White	
Denton	Keener			—29

Nays: —0

which was a majority of the whole number elected to the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bills:

H. 122. To establish and provide for the Forestry Study Committee; and to make an appropriation from the general fund to implement the provisions hereof.

Also:

H. 759. To provide that any property owner shall have the authority, within certain limitations, to clean or dredge a stream or creek running through or onto his property.

Also:

H. 567. To amend § 28-3-112, Code of Alabama 1975, so that the 3% tax levied therein on manufacturers, distillers, producers or distributors of liquors doing business with the Alabama Alcoholic Beverage Control Board

is repealed and to amend § 28-3-114, Code of Alabama 1975, to repeal the distribution of the proceeds of the said 3% tax and to make provisions for the distribution of filing fees and to increase said fees to $500.00.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate.

S. 557. To provide for the crime of sexual abuse in the first degree; and to provide penalties.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Smith, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 557, the title of which is set out in the foregoing Message from the House, to-wit:

HOUSE AMENDMENT TO S. B. 557

Amend Senate Bill 557 by striking Section 3 of the bill in its entirety and by renumbering the subsequent sections accordingly.

Yeas 26; Nays 0.

Yeas:

Messrs.:	Figures	Keener	Proctor	
Bailey	Glass	Kirkland	Robertson	
Barron	Goodwin	Lemaster	St. John	
Britnell	Gulledge	Little	Smith	
Clemon	Hall	Martin	Taylor	
Cook	Harrison	Mitchem	White	
deGraffenried	Holmes	Parsons		—26

Nays: —0

RESOLUTION

Messrs. Mitchem, Robertson, St. John, deGraffenried, Bailey, Britnell, Callahan, Clemon, Cook Denton, Figures, Glass, Goodwin, Gulledge, Hall, Harrison, Higginbotham, Holmes, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Miller, Parsons, Pearson, Proctor, Smith, Taylor, Teague, Vacca, Weeks, and White offered the following Senate Joint Resolution, to-wit:

S. J. R. 154. HONORING TAYLOR HARDIN, DISTINGUISHED ALABAMIAN.

WHEREAS, in public service for more than 35 years, General Taylor Hardin's positions in state government have included that of chief of the Criminal Division in the Attorney General's Office, legal counsel to the

Department of Examiners of Public Accounts, chief of the Legal Division in the Department of Finance, State Finance Director and that of Mental Health Commissioner, a post he has held since 1974; and

WHEREAS, his military career spanned four years of service in the U. S. Army during World War II where he earned the rank of Lieutenant Colonel and more than 25 years with the Alabama Army National Guard, retiring June 9, 1975 with the rank of General; and

WHEREAS, during his tenure as Mental Health Commissioner, increased public awareness and concern for mental health programs in Alabama are two areas in which great progress has been made; also, increased physical facilities and a decline in patient population have greatly improved the staff-to-patient ratio, while services and treatment have been notably improved; and

WHEREAS, a University of Alabama graduate with both a Bachelor's degree in journalism and a law degree, Taylor Hardin has received numerous awards and honors through the years, most recently being named Alabama Administrator of the Year for 1979 and election to the Alabama Academy of Honor; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join in tribute to General Taylor Hardin, voicing our deep appreciation of his long and distinguished career in public service in the State of Alabama and in the military, as well.

BE IT FURTHER RESOLVED, That we most heartily congratulate him on his well-deserved retirement, wish him every future success and direct that he receive a copy of this resolution as but a token of our esteem.

On motion of Mr. Mitchem, the Rules were suspended and the Resolution was adopted by the Senate.

INTERIM COMMITTEE REPORT FILED

Pursuant to the provisions of H. J. R. 126 of the 1976 Regular Session of the Legislature, the report of the Board of Corrections Management and Performance Evaluation Committee was read and ordered filed with the Secretary.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bills:

H. 987. To amend Section 16-13-144, Code of Alabama 1975 relating to penalties incurred by local boards of education who exceed their budget, so as to exempt said boards during years education money is prorated.

Also:

H. 446. To amend Sections 36-32-1, 36-32-5 and 36-32-7 of the Code of Alabama 1975, relating to the fire fighters' personnel standards and education commission, so as to provide for the inclusion of fire-fighting districts in the classification of fire-fighting agency; to include paid employees of fire-fighting agencies classified as rescue unit personnel and paramedics as well as fire inspectors and investigators in the classification of fire-fighting personnel; to provide for certain exemptions relating to employment; to further

prescribe standards for fire-fighting personnel; and to provide for testing and certification of fire-fighting personnel, both paid and volunteer, by the commission.

JOHN W. PEMBERTON,
Clerk.

RESOLUTIONS

Mr. Vacca offered the following Senate Resolutions, to-wit:

S. R. 155. COMMENDING THE ALABAMA DIVISION OF THE NATIONAL COUNCIL ON ALCOHOLISM ON THEIR LABOR DAY WEEKEND SAFETY CAMPAIGN.

Also:

S. R. 156. MOURNING THE DEATH OF MR. FORNEY REESE OF HUFFMAN, RETIRED EDUCATOR AND PROMINENT ALABAMIAN.

Which was adopted.

Mr. White offered the following Senate Joint Resolution, to-wit:

S. J. R. 157. REQUESTING THE ALABAMA CONGRESSIONAL DELEGATION TO PROPOSE AN AMENDMENT TO P.L. 93-641.

WHEREAS, the State of Alabama has been advised by the United States Department of Health, Education and Welfare that unless the Legislature of the State of Alabama enacts a Certificate of Need Law which meets their approval, they will penalize the people of the State of Alabama by withholding over 31 million dollars in federal assistance for health care; and

WHEREAS, this attempt at blackmail will cause needless misery and suffering for innocent Alabama citizens; and

WHEREAS, the Legislature of the State of Alabama also believes that a state's right to frame its legislation is one of the most cherished rights secured by the United States Constitution; now therefore,

BE IT RESOLVED BY THE SENATE OF THE STATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES OF ALABAMA CONCURRING, that we do hereby urge the Alabama Congressional delegation to propose an amendment to Public Law 93-641, the National Health Planning and Development Act, which would enable the Department of Health, Education and Welfare to withhold health planning funds to a state without a satisfactory certificate of need law, rather than needed public health funds that directly aid the citizens of a state.

BE IT FURTHER RESOLVED that a copy of this resolution be sent to all members of the Alabama Congressional delegation.

On motion of Mr. White, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. Robertson and Mitchem offered the following Senate Resolution, to-wit:

S. R. 158. COMMENDING GENERAL TAYLOR HARDIN UPON HIS RETIREMENT AS COMMISSIONER OF THE ALABAMA DEPARTMENT OF MENTAL HEALTH.

Which was adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate.

S. 41. Relating to cotton gins and the regulations thereof. To amend Section 2-19-61 of Title 2 of the Code of Alabama 1975 relating to the annual permit fee required for the operation of a cotton gin and prescribing the amount of such permit fee.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Mitchem, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 41 the title of which is set out in the foregoing Message from the House, to-wit:

HOUSE AMENDMENT TO S. B. 41

Amend Senate Bill 41, page 1, Section 1, line 28 after the figures $5.00 by striking $25.00 and inserting $20.00.

Yeas 22; Nays 0.

Yeas:

Messrs.:	Goodwin	Lemaster	Proctor	
Bailey	Hall	Little	Robertson	
Britnell	Harrison	Martin	Smith	
Cook	Higginbotham	McDonald	Teague	
Denton	Holmes	Mitchem	Vacca	
Glass	Keener	Parsons		—22

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate.

S. 45. To amend Sections 2-15-40, 2-15-60 and 2-15-130, Code of Alabama 1975 so as to further define the term "livestock."

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Mitchem, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 45 the title of which is set out in the foregoing Message from the House, to-wit:

HOUSE AMENDMENT TO S. B. 45

Amend S. B. 45 by deleting the word and poultry in all sections.

Yeas 26; Nays 0.

Yeas:

Messrs.:	Glass	Keener	Pearson	
Bailey	Goodwin	Kirkland	Proctor	
Barron	Gulledge	Lemaster	St. John	
Britnell	Hall	Little	Smith	
Cook	Harrison	Martin	Taylor	
deGraffenried	Higginbotham	Mitchem	White	
Denton	Holmes	Parsons		—26
Nays:				—0

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 122. To establish and provide for the Forestry Study Committee; and to make an appropriation from the general fund to implement the provisions hereof.

Also:

H. 580. To provide up to a 7% cost-of-living increase for all certified employees and full-time support personnel paid from state funds in the elementary-secondary schools, and the Alabama Institute for Deaf and Blind paid from state funds, and for all full-time academic instructional personnel in the Department of Youth Services paid from state funds, for full-time instructional staff for junior, technical, and community college paid from state funds, and to identify the funds from which said cost-of-living increase and other fringe benefits shall be paid and to provide a procedure for determining availability and paying out of such funds. Also additional funds to Athens State College and the universities.

Also:

H. 759. To provide that any property owner shall have the authority, within certain limitations, to clean or dredge a stream or creek running through or onto his property.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill:

H. 753. To provide for two clerks in the office of the tax assessor of Bullock County, Alabama; and to fix the method and basis of their employment and compensation.

said Conference Report being in words and figures as follows:

REPORT OF COMMITTEE ON CONFERENCE
ON HOUSE BILL 753

We, the Committee on Conference appointed to reconcile the difference between the two Houses concerning House Bill 753 have met and considered the matter referred and beg leave to report as follows:

That the Senate amendment to House Bill 753 be deleted in its entirety and the bill as originally passed by the House be accepted.

WAYNE COBB,
THOMAS REED,
JAMES E. RAY,
Conferees of the House.
MIKE WEEKS,
FINIS ST. JOHN,
HINTON MITCHEM.
Conferees of the Senate.

A BILL
TO BE ENTITLED
AN ACT

To provide for two clerks in the office of the tax assessor of Bullock County, Alabama; and to fix the method and basis of their employment and compensation.

Be It Enacted by the Legislature of Alabama:

Section 1. The tax assessor of Bullock County is hereby authorized, if in his discretion it is necessary to the proper functioning of his office, to nominate persons for the positions of chief clerk and assistant clerk. The following persons shall constitute an appointing body for the actual appointment of said clerks: The senator from Bullock County, the two representatives of Bullock County, the tax assessor, the chairman of the county commission, and two associate commissioners selected by the chairman. A majority vote of the appointing body shall be necessary for any appointments hereby authorized. The clerks herein authorized shall serve at the will and pleasure of the tax assessor of Bullock County.

Section 2. The salary of the chief clerk shall be $8,400.00 per year and the salary of the assistant clerk shall be $7,400.00 per year, each to be paid out of the general fund of Bullock County in equal monthly installments; provided that the county commission shall have the discretion of paying said salaries from whatever funds or sources as may be available for such purposes.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And said bill as thus amended by the Report of the Committee on Conference was again read and passed.

And said bill, together with the Report of the Committee on Conference, is herewith returned to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE AND CONFERENCE MESSAGE

On motion of Mr. Weeks, the Senate concurred in and adopted the Report of the Committee on Conference appointed to reconcile the disagreement of the two Houses on the Senate amendment to the Bill, H. B. 753, the title of which and said Conference Report are set out in the foregoing Message from the House.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Little	Proctor	
Bailey	Glass	Martin	St. John	
Barron	Goodwin	Miller	Smith	
Britnell	Hall	Mitchem	Taylor	
Clemon	Holmes	Parsons	Teague	
Cook	Keener	Pearson	Weeks	
Denton	Kirkland			—25

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The House has non-concurred in the Senate amendment to the following House Bill:

H. 418. To amend Section 12-17-144, Code of Alabama 1975, which relates to prior service credit for benefits of supernumerary circuit clerks and registers, so as to allow circuit clerks or registers prior service credit for time spent as probate judge.

and requests a committee on Conference.

And the Speaker of the House has appointed as Conferees on the part of the House Reps. Kelley, Dial, and Shoemaker.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Holmes, the Senate acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill, H. B. 418, the title of which is set out in the foregoing Message from the House.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Glass	Kirkland	Proctor
Bailey	Goodwin	Lemaster	Smith
Barron	Gulledge	Little	Taylor
Britnell	Hall	Martin	Teague
Callahan	Harrison	Miller	Vacca
Cook	Holmes	Pearson	White
Denton	Keener		

—25

Nays: —0

And the President and Presiding Officer of the Senate appointed as Committee on the part of the Senate Messrs. Holmes, Teague, and Proctor.

MESSAGE FROM THE HOUSE

Mr. President:

The House has non-concurred in the Senate amendment to the following House Bill:

H. 378. To amend the Code of Alabama 1975, § 9-11-53, subsection (a) so as to increase the cost of resident fishing licenses, and restricting the hook and line license to the county in which the licensee resides.

and requests a committee on Conference.

And the Speaker of the House has appointed as Conferees on the part of the House Reps. McMillan, Warren, and Carter.

HOUSE MESSAGE

On motion of Mr. Kirkland, the Senate acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill, H. B. 378, the title of which is set out in the foregoing Message from the House.

Yeas 23; Nays 0.

Yeas:

Messrs.:	Goodwin	Kirkland	Proctor
Bailey	Gulledge	Lemaster	Robertson
Barron	Harrison	Little	Smith
Cook	Higginbotham	Miller	Taylor
deGraffenried	Holmes	Mitchem	Vacca
Denton	Keener	Parsons	White

—23

Nays: —0

And the President and Presiding Officer of the Senate appointed as Committee on the part of the Senate Messrs. Kirkland, Mitchem, and Miller.

RESOLUTIONS

Mr. Gulledge offered the following Senate Resolutions, to-wit:

S. R. 159. HONORING MRS. DORA BELL STEELE FOR MERITORIOUS SERVICE TO THE TOWN OF LOXLEY.

Also:

S. R. 160. COMMENDING ROY SPIVEY ON BEING NAMED "FREE ENTERPRISE PERSON OF THE YEAR."

Which was adopted.

Mr. Little offered the following Senate Joint Resolution, to-wit:

S. J. R. 161. COMMENDING PROFESSOR PAUL C. BURNETT, EMERITUS PROFESSOR OF JOURNALISM, AUBURN UNIVERSITY.

WHEREAS, the Alabama Legislature has noted the recent retirement of Paul C. Burnett, Professor of Journalism, after thirty-one years of faithful service to Auburn University and to the highest principles of American Journalism; and

WHEREAS, since Professor Burnett first became associated with Auburn in 1948, some 7,800 students have come under his tutelage in all required journalism courses for an English-Journalism major, in Agricultural Journalism and in many English courses as well; also, in 1964, he began a separate journalism major, heading that program until the Department of Journalism was formed ten years later, and he further initiated a successful journalism internship program which has served as a model for many other colleges and universities; and

WHEREAS, called "The Father of Journalism" at Auburn, his greatest accomplishments are evidenced in the success of so many of his students who credit Professor Burnett with their own outstanding accomplishments; imparting his knowledge to others has long been a way of life for Paul C. Burnett and his reward has been to see his students achieve; and

WHEREAS, he was a navigator in the Eighth Air Force during World War II, the recipient of the Air Medal, Purple Heart, Defense Medal and the Victory Medal and, even today, continues to edit "The Ragged Irregulars," a publication unifying his service mates of the war years; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Auburn University's Professor Paul C. Burnett, now emeritus professor of journalism, on his outstanding career, and express our deep appreciation for his years of service to the young men and women of our state who have reaped the rewards of his guidance.

BE IT FURTHER RESOLVED, That Professor Burnett receive a copy of this resolution that he may know of our esteem and of our warm best wishes for every future success.

On motion of Mr. Little, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Little then offered the following Senate Resolution, to-wit:

S. R. 162. COMMENDING PROFESSOR PAUL C. BURNETT, EMERITUS PROFESSOR OF JOURNALISM, AUBURN UNIVERSITY.

Which was adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Kelley and Clark:

H. J. R. 315. Establishing Joint Interim Committee on Electricity.

WHEREAS, it is deemed desirable (1) to assure the most efficient, economical and orderly rendition of electric service within the State of Alabama, (2) to minimize the duplication of electric service, (3) to encourage the extension and location of electric power delivery facilities in a manner most compatible with the state's economic development and enhancement of its physical environment and (4) to preserve the economic values inherent in electric power delivery facilities heretofore and hereafter lawfully constructed by electric power suppliers; and

WHEREAS, it is the recognized policy of this state to avoid wasteful uneconomic duplication of electric facilities, the cost of which must be borne by the customer; and

WHEREAS, it is deemed appropriate and desirable that the State establish and implement a procedure whereby territorial and/or duplication problems in the area of electric power distribution can be solved in a manner that is fair and equitable to the three principal distributors of electricity, vis, investor owned electric utilities, rural electric cooperatives and municipal electric systems; and

WHEREAS, it is the desire of this Legislature to establish a Joint Interim Committee to work with appropriate segments of the electric power industry in the state in an attempt to devise fair and equitable legislation protective of the legitimate purposes and economic considerations affecting such electric power supplier;

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that a Joint Interim Committee shall be established and conducted as follows:

1. The Committee shall consist of three members of the House of Representatives and three members of the Senate. The three members of the Committee from the House shall be appointed by the Speaker of the House and the three members from the Senate shall be appointed by the Lieutenant Governor. The members of the Committee shall choose a chairman.

2. The Committee shall have authority to employ research assistance. The Clerk of the House and the Secretary of the Senate shall provide secretarial assistance. The members of the Committee shall receive the same pay, per diem and travel expenses that is received when the Legislature is in session; provided, however, that the Committee shall not meet a total of more than twelve days.

3. The Committee shall consult with appropriate representatives of investor-owned electric utilities, rural electric cooperatives and municipal electric systems outside the Tennessee Valley Authority service area and shall attempt, in working with them, to devise proposed legislation consistent with the recitals contained in the foregoing WHEREAS clauses. The Committee shall only propose legislation if it is able to devise fair and equitable legislation satisfactory to investor-owned utilities, electric cooperatives and municipal electric systems operating in the State. If the Committee is unable to devise legislation satisfactory to these three industry segments, it shall propose no legislation. The Committee shall report any suggested legislation it may devise to the Legislature no later than February 1, 1980.

4. The Committee shall be funded from moneys appropriated to the use of the Legislature but its sole expenses shall not exceed the amount of $7,000.

BE IT FURTHER RESOLVED that copies of this Resolution be provided to the Secretary of the Senate and the Clerk of the House of Representatives.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Teague, the Rules were suspended and the Resolution, H. J. R. 315, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 103. TO ESTABLISH AN INTERIM COMMITTEE TO STUDY THE PURCHASE OF THE WEST END OF DAUPHIN ISLAND AS A STATE PARK.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 264. To amend Alabama Code 1975, Section 5-5-1, so as to provide that where an emergency exists which might cause closing and liquidating, the Superintendent of Banks may waive the three-week publication requirement in order to permit formation of a new state bank insured by Federal Deposit Insurance Corporation which is participating in a purchase and assumption or other transaction under federal banking laws, such publication to occur after the new bank commences business; and to eliminate the requirement of the publication of the list of stockholders.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 453. To amend further Section 9-17-12, Code of Ala. 1975, so as to allow spacing in the case of irregular sections which exceed 640 acres and so as to allow the Board to designate drilling or production units of up to 160 acres or one governmental quarter section in the case of oil and 640 acres or one governmental section in the case of gas plus 10 percent tolerance so as to

allow for irregular sections and to exceed these limitations, after notice and hearing, when it is affirmatively demonstrated that one well can drain the proposed unit and that a larger unit is justified because of technical, economic, environmental, or safety considerations, or other reasons deemed valid by the Board, and to further allow the Board, after notice and hearing, to establish units in oil and gas pools not to exceed 30 percent greater than 160 acres or one governmental quarter section in the case of oil and 640 acres or one governmental section in the case of gas, provided such action is justified by sufficient technical data indicating that such acreage or lands in excess of the aforesaid limitation is being drained or is an imminent danger of being drained and that the owners of interests in such said excess acreage or land cannot otherwise receive their just and equitable share of production from the pool, providing for the payment or recoupment of drilling and production costs; and excluding any spacing limitation with regard to offshore wells, except as may be established by said Board.

JOHN W. PEMBERTON,
Clerk.

RESOLUTIONS

Mr. Figures offered the following Senate Resolution, to-wit:

S. R. 163. HONORING MRS. JOHNNIE M. MILLER OF SARALAND, ALABAMA.

Which was adopted.

Messrs. Lemaster, Bailey, Barron, Britnell, Callahan, Clemon, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gulledge, Hall, Harrison, Higginbotham, Holmes, Keener, Kirkland, Little, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague, Weeks and White offered the following Senate Resolution, to-wit:

S. R. 164. HONORING SENATOR PASCHAL P. "PAT" VACCA, DEAN OF THE ALABAMA SENATE.

Which was adopted.

REPORT OF COMMITTEE OF CONFERENCE ON S. 564

We, the Committee of Conference, appointed to reconcile the disagreement between the two houses concerning S. 564, have met, considered the bill as last substituted and amended, and have agreed to the following report:

We recommend that each house adopt the attached Committee's Substitute to S. 564 as last substituted and amended.

Respectfully submitted,
JIM SMITH,
ROBERT E. ALBRIGHT,
MARTHA JO SMITH,
Conferees on the part of the House.
ALBERT McDONALD,
BILL SMITH,
JAMES LEMASTER,
Conferees on the part of the Senate.

CONFERENCE SUBSTITUTE FOR S. 564

A BILL
TO BE ENTITLED
AN ACT

Relating to Madison County; to reallocate Madison County's share of payments made by the Tennessee Valley Authority and certain alcoholic beverage tax revenues to the state in lieu of ad valorem taxes; and providing an expiration date.

Be It Enacted by the Legislature of Alabama:

Section 1. Pursuant to the authority granted by Sections 40-28-1 through 40-28-3, Code of Alabama 1975, Madison County's share of payments made by the Tennessee Valley Authority to the state in lieu of ad valorem taxes shall be distributed as provided by this act.

A. To earmark a certain portion of the alcoholic beverage tax revenues accruing to the City of Huntsville under the provisions of Section 40-28-1 through 40-28-3, Code of Alabama 1975, for the purpose of establishing and maintaining a legislative delegation office, the city council shall immediately pay such amounts from such funds as the Madison County legislative delegation may request.

Such requests shall be in the form of a resolution passed by the county legislative delegation, signed by one Senator and one member of the House of Representatives from the county who shall be duly appointed by the delegation. The legislative delegation shall expend such monies to employ staff, acquire adequate physical office space, equipment, supplies, services and all other necessary items. The persons employed and expenditures of the funds by the legislative delegation shall be in their discretion. Any funds allocated but not expended at the end of the fiscal year, in accordance with this subsection, shall revert to the general fund of the city treasury. The revenue and expenditures of the legislative office shall be audited on an annual basis.

B. In the alternative to Subsection A of this section, pursuant to the authority granted by Section 40-28-2, Code of Alabama 1975, Madison County's share of payments made by the Tennessee Valley Authority to the state in lieu of ad valorem taxes shall be distributed in the following manner:

The first $40,000 paid, as Madison County's total share, shall be paid to the Madison County Commission for the purposes of establishing and maintaining a legislative delegation office. The Madison County Commission shall immediately pay such amounts from such funds as the Madison County legislative delegation may request. Such requests shall be in the form of a resolution passed by the county legislative delegation, signed by one Senator and one member of the House of Representatives from the county who shall be duly appointed by the legislative delegation. The legislative delegation shall expend such monies to employ staff, acquire adequate physical office space, equipment, supplies, services and all other necessary items. The persons employed and expenditures of the funds by the legislative delegation shall be in their discretion. Any funds allocated but not expended at the end of the fiscal year, in accordance with this subsection, shall revert to the general fund of the county treasury. The revenue and expenditures of the legislative office shall be audited on an annual basis.

C. The remaining money, disbursed pursuant to the authority granted by Section 40-28-2, Code of Alabama 1975, shall be prorated in the following manner:

1. Seventy percent (70%) of said remaining money shall be paid to the City of Huntsville. Said payment shall be distributed in the following manner:

(a) Sixty-five percent (65%) to the city school system to be paid by the city governing body directly to the school system.

(b) Twenty-five percent (25%) to the city general fund.

(c) Ten percent (10%) to City of Huntsville Hospital Authority, provided, however, that if the revenue produced by this percentage formula should exceed $525,000 in any fiscal year, said excess revenue shall revert to the general fund of the City of Huntsville. The provisions of this subsection shall expire on September 30, 2003, and thereafter said revenue shall revert to the general fund of the City of Huntsville.

2. Twenty-nine and one-half percent (29 1/2%) of said remaining money shall be paid to Madison County. Said payment shall be distributed in the following manner:

(a) Sixty-five percent (65%) to the county school system to be paid by the county governing body directly to the school system.

(b) Twenty-eight percent (28%) to the county general fund.

(c) Seven percent (7%) to the City of Huntsville Hospital Authority, provided however, that if the revenue produced by this percentage formula shall exceed $150,000 in any fiscal year, said excess revenue will revert to the general fund of Madison County.

3. One-half percent (1/2%) of said remaining money shall be paid to the remaining incorporated municipalities within Madison County on a per capita basis. Said payments shall be distributed in the following manner:

(a) Sixty-five percent (65%) to the county school system to be paid by the municipal governing body directly to the school system.

(b) Thirty-five percent (35%) to the municipal general fund.

Section 2. The distribution of money as provided by this act shall be continuing and shall remain in effect for one year from the effective date unless sooner altered by general or local law.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

CONFERENCE REPORT

On motion of Mr. McDonald, the Senate concurred in and adopted the foregoing Report of the Committee on Conference appointed to reconcile the differences of the two Houses on the House amendment to the Bill:

S. 564. Relating to Madison County, to reallocate Madison County's share of payments made by the Tennessee Valley Authority to the state in lieu of ad valorem taxes.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Little	Robertson	
Bailey	Figures	McDonald	Smith	
Barron	Glass	Mitchem	Teague	
Britnell	Hall	Parsons	Vacca	
Callahan	Holmes	Pearson	Weeks	
Clemon	Keener	Proctor	White	
Cook	Lemaster			—25

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate.

S. 558. To authorize and make provisions for the incorporation in any Class III municipality of an Authority as a public corporation for the purpose of providing public transportation service in such county, upon the filing of an application with, and the authorization of such incorporation by, the governing body of any such municipality within which any such Authority proposes to furnish any such service; to provide for the amendment of the certificate of incorporation of any such Authority for certain purposes at any time, upon the authorization of each such amendment by the governing body of the municipality by which its incorporation was authorized; to provide for the election and compensation of directors of any such Authority; to provide for the powers, authorities and duties of any such Authority and its board of directors; to authorize any such Authority to acquire, construct, operate, improve and finance one or more transit systems; to confer on any such Authority the power of eminent domain; to authorize any such Authority to expend funds for the purchase or lease of materials, equipment, supplies or other personal property involving less than $2,000 without compliance with the provisions of Act No. 217 (1967 Special Session), as amended, that might otherwise be applicable; to employ officers, employees and agents without regard to any provisions of Act No. 217 (1967 Special Session), as amended, or of any civil service or merit system law that might otherwise be applicable; to make provisions respecting the establishment and revision of charges for public transportation service rendered by it; to provide for the issuance by any such Authority for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing revenue securities, payable solely out of either or both of the following: (a) any tax proceeds appropriated, allocated or made payable (in whole or in part) to such Authority by or pursuant to any act of the legislature of this state or by or pursuant to any ordinance, resolution or order of any county in which the Authority is authorized to furnish transportation service or any municipality located in such county and (b) the revenues of any one or more of the transit systems of such Authority, without regard to the system or systems with respect to which

such revenue securities may have been issued; to provide that such revenue securities shall constitute negotiable instruments; to provide that such revenue securities may be secured by a pledge of the revenues from which they are payable, by contracts binding any such Authority for the proper application of its revenues and of the proceeds of such revenue securities, and by a non-foreclosable mortgage and deed of trust or statutory mortgage lien on the transit system out of the revenues from which sum securities are payable, and to provide that any revenue securities of the Authority may be issued under a trust indenture; to provide for constructive notice of any such statutory mortgage lien; to authorize and make provisions respecting the assumption by any such Authority of obligations respecting any transit system, or parts thereof, acquired by the Authority; to provide for the use of the proceeds of any revenue securities issued by an Authority; to provide for the refunding, by the issuance of revenue securities of an Authority, of revenue securities theretofore issued or obligations theretofore assumed by it; to provide that revenue securities issued and contracts entered into by any such Authority pursuant to this Act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; to provide that any county, municipality, other political subdivision, public corporation, or agency or instrumentality of this state may aid and cooperate with, lend or donate money to, perform services for the benefit of, and, without the necessity of any election and with or without consideration, transfer any transit system or other property to any such Authority; to exempt the property and income of any such Authority, and all securities issued by any such Authority and the income from such securities, and conveyances, leases, and mortgages and deeds of trust to which such Authority is a party from all taxation in the state, to exempt every such Authority from all taxes, including license and excise taxes, levied by any county, municipality, or other political subdivision of the state, and to exempt such Authority from payment of certain charges to Judges of Probate; to provide that each such Authority shall be exempt from regulation and supervision by the Public Service Commission and the State Department of Finance; to provide for the use of public roads in the state by any such Authority; to require the board of directors of any such authority to adopt an annual budget and to cause annual audits of the books and records of such authority to be made; to permit membership in labor organizations by employees of any such Authority; to provide that no employee of any such Authority shall be subject to the provisions of any civil service system or to the rules or regulations of any personnel board that might otherwise be applicable; and to provide for the dissolution of any such Authority and the disposition of its property.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Smith, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 558, the title of which is set out in the foregoing Message from the House, to-wit:

HOUSE SUBSTITUTE FOR S. B. 558

A BILL
TO BE ENTITLED
AN ACT

To authorize and make provisions for the incorporation in any Class III municipality of an Authority as a public corporation for the purpose of

providing public transportation service in such county, upon the filing of an application with, and the authorization of such incorporation by, the governing body of any such municipality within which any such Authority proposes to furnish any such service; to provide for the amendment of the certificate of incorporation of any such Authority for certain purposes at any time, upon the authorization of each such amendment by the governing body of the municipality by which its incorporation was authorized; to provide for the election and compensation of directors of any such Authority; to provide for the powers, authorities and duties of any such Authority and its board of directors; to authorize any such Authority to acquire, construct, operate, improve and finance one or more transit systems; to confer on any such Authority the power of eminent domain; to authorize any such Authority to expend funds for the purchase or lease of materials, equipment, supplies or other personal property involving less than $2,000 without compliance with the provisions of Act No. 217 (1967 Special Session), as amended, that might otherwise be applicable; to employ officers, employees and agents without regard to any provisions of Act No. 217 (1967 Special Session), as amended; to make provisions respecting the establishment and revision of charges for public transportation service rendered by it; to provide for the issuance by any such Authority, with prior approval of the municipal governing body, for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing revenue securities, payable solely out of either or both of the following: (a) any tax proceeds appropriated, allocated or made payable (in whole or in part) to such Authority by or pursuant to any act of the legislature of this state or by or pursuant to any ordinance, resolution or order of any county in which the Authority is authorized to furnish transportation service or any municipality located in such county and (b) the revenues of any one or more of the transit systems of such Authority, without regard to the system or systems with respect to which such revenue securities may have been issued; to provide that such revenue securities shall constitute negotiable instruments; to provide that such revenue securities may be secured by a pledge of the revenues from which they are payable, by contracts binding any such Authority for the proper application of its revenues and of the proceeds of such revenue securities, and by a non-foreclosable mortgage and deed of trust or statutory mortgage lien on the transit system out of the revenues from which sum securities are payable, and to provide that any revenue securities of the Authority may be issued under a trust indenture; to provide for constructive notice of any such statutory mortgage lien; to authorize and make provisions respecting the assumption by any such Authority of obligations respecting any transit system, or parts thereof, acquired by the Authority; to provide for the use of the proceeds of any revenue securities issued by an Authority; to provide for the refunding, by the issuance of revenue securities of any Authority, of revenue securities theretofore issued or obligations theretofore assumed by it; to provide that revenue securities issued and contracts entered into by any such Authority pursuant to this Act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; to provide that any county, municipality, other political subdivision, public corporation, or agency or instrumentality of this state may aid and cooperate with, lend or donate money to, perform services for the benefit of, and, without the necessity of an election and with or without consideration, transfer any transit system or other property to any such Authority; to exempt the property and income of any such Authority, and all securities issued by any such Authority and the income from such securities, and conveyances, leases, and mortgages and deeds of trust to which such Authority is a party from all taxation in the state, to exempt every such Authority from all taxes, including license and excise taxes,

levied by any county, municipality, or other political subdivision of the state, and to exempt such Authority from payment of certain charges to Judges of Probate; to provide that each such Authority shall be exempt from regulation and supervision by the Public Service Commission and the State Department of Finance; to provide for the use of public roads in the state by any such Authority; to require the board of directors of any such authority to adopt an annual budget and to cause annual audits of the books and records of such authority to be made; and to provide for the dissolution of any such Authority and the disposition of its property.

Be It Enacted by the Legislature of Alabama:

Section 1. The Legislature has found and determined and does hereby declare that in Class III municipalities the following conditions exist: (a) that the constant growth of private vehicular traffic in such counties in which such municipalities are located is placing excessive burdens upon the road systems and parking facilities, especially in commercial and industrial districts and in areas of high population density; (b) that the continued economic growth of such municipalities and the general health and welfare of the citizens of such counties require the availability of public facilities for mass transportation; and (c) that it is necessary and desirable and in the best interests of the citizens of such municipalities that provisions be made for the establishment in such counties of public corporations to provide public transportation service. The legislature does hereby further declare its intention, by the passage of this Act, to promote public mass transportation in such municipalities through the authorization of public corporations, as agencies of the State of Alabama, with the powers conferred by this Act.

Section 2. The following words and phrases used in this Act, and others evidently intended as the equivalent thereof, shall, in the absence of clear implication herein otherwise, be given the following respective interpretations herein:

"Applicant" means a natural person who files a written application with the governing body of any municipality to which this Act applies all in accordance with the provisions of Section 4 hereof.

"Authority" means a public corporation organized pursuant to the provisions of this Act.

"Authorizing Municipality" means any municipality the governing body of which shall have adopted an authorizing resolution.

"Authorizing resolution" means a resolution, adopted by the governing body of any municipality to which this Act applies all in accordance with the provisions of Section 4 hereof, that authorizes the incorporation of an Authority.

"Board" means the board of directors of an Authority.

"Bonds" means and shall include bonds, notes and certificates representing an obligation to pay money.

"Chief executive officer" means, with respect to any municipality, the mayor, president of the board of commissioners of other chief executive officer of such municipality.

"County" means any county in the state.

"Director" means a member of the board of directors of the Authority.

"Governing body" means court of county commissioners, board of revenue, or other like governing body with respect to a municipality, its city or town council, board of commissioners, or other like governing body.

"Incorporators" means the persons forming a public corporation organized pursuant to the provisions of this Act.

"Municipality" means an incorporated city or town of the state.

"Person", unless limited to a natural person by the context in which it is used, includes a public or private corporation, a municipality, a county, or an agency, department or instrumentality of the state or of a county or municipality.

"Principal office" means the place at which the certificate of incorporation and amendments thereto, the by-laws, and the minutes of proceedings of the board of an Authority are kept.

"Property" means and includes real and personal property, and interests therein.

"Public transportation service" means and includes all service involved in the transportation of passengers for hire by means of street railway, elevated railway, motor vehicles or other means of conveyance generally associated with or developed for mass surface or subsurface transportation of the public, but does not include any service involved in transportation by taxicab, airport limousine or industrial bus.

"Transit system" means and includes land, plants, systems, facilities, buildings, garages, vehicles of all types, rails, lines and any combination of any thereof, used or useful or capable of future use in furnishing public transportation service, and all other property deemed necessary or desirable by an Authority for use in furnishing public transportation service.

"State" means the State of Alabama.

Section 3. The following provisions shall be applied wherever appropriate herein:

"Herein," "hereby," "hereunder," "hereof," and other equivalent words refer to this Act as an entirety and not solely to the particular section or portion thereof in which any such word is used.

The definitions set forth in Section 2 hereof shall be deemed to include both singular and plural and to cover all genders.

Section 4. A public corporation may be organized pursuant to the provisions of this Act in any Class III municipality. In order to incorporate such a public corporation, any number of natural persons, not less than three, shall first file a written application with the governing body of the municipality which application shall:

(1) Contain a statement that the Authority proposes to render public transportation service in such county;

(2) State the proposed location of the principal office of the Authority, which shall be within the municipality where such application is filed;

(3) State that each of the applicants is a duly qualified elector of the municipality where such application is filed; and

(4) Request that such governing body adopt a resolution declaring that it is wise, expedient, and necessary that the proposed Authority be formed and authorizing the applicants to proceed to form the proposed Authority by the filing for record of a certificate of incorporation in accordance with the provisions of Section 5 hereof.

Such applications shall be accompanied by such supporting documents or evidence as the applicants may consider appropriate. As promptly as may be practicable after the filing of the application with them in accordance with the provisions of this section, the governing body of the municipality with which the application was filed shall review the contents of the application and shall adopt resolutions either (a) denying the application or (b) declaring that it is wise, expedient, and necessary that the proposed Authority be formed and authorizing the applicants to proceed to form the proposed Authority by the filing for record of a certificate of incorporation in accordance with the provisions of Section 5 hereof, provided, however, that the contents of certificate of incorporation shall be approved by the municipal governing body. Each governing body with which an application is filed shall also cause a copy of the application to be spread upon or otherwise made a part of the minutes of the meeting of such governing body at which final action upon said application is taken.

Section 5. Within forty (40) days following the adoption of an authorizing resolution by the governing body the applicants shall proceed to incorporate an Authority by filing for record in the office of the Judge of Probate of the county in which the municipality is located, a certificate of incorporation which shall comply in form and substance with the requirements of this section and which shall be in the form and executed in the manner herein provided.

The certificate of incorporation of the Authority shall state:

(1) The names of the persons forming the Authority, and that each of them is a duly qualified elector of the authorizing municipality;

(2) The name of the Authority (which shall be "_____ Transit Authority", with the insertion of the name of the authorizing municipality);

(3) The period for the duration of the Authority (if the duration is to be perpetual, subject to the provisions of Section 20 hereof, that fact shall be stated);

(4) The name of the authorizing municipality, together with the date on which the governing bodies thereof adopted authorizing resolutions;

(5) The location of the principal office of the Authority, which shall be in the authorizing municipality;

(6) That the Authority is organized pursuant to the provisions of this Act for the purpose of supplying public transportation service in the authorizing municipality and in the county and in any other municipality in the county in which the authorizing municipality is located and in any other county in the state; and

(7) Any other matter relating to the Authority that the incorporators or the authorizing municipality may choose to insert and that are not inconsistent with this Act or with the laws of the state.

The certificate of incorporation shall be signed and acknowledged by the incorporators before an officer authorized by the laws of the state to take acknowledgements to deeds. When the certificate of incorporation is filed for

record, there shall be attached to it (a) a copy of the application as filed with the governing body of the authorizing municipality in accordance with the provisions of Section 4 hereof, (b) a certified copy of the authorizing resolution adopted by the governing body of the authorizing municipality, and (c) a certificate by the Secretary of State that the name proposed for the Authority is not identical to that of any other corporation organized under the laws of the state or so nearly similar thereto as to lead to confusion and uncertainty. Upon the filing for record of the said certificate of incorporation and the documents required by the preceding sentence to be attached thereto, the Authority shall come into existence and shall constitute a public corporation under the name set forth in said certificate of incorporation. The Judge of Probate shall thereupon send a notice to the Secretary of State that the certificate of incorporation of the Authority has been filed for record.

Section 6. The certificate of incorporation of any Authority incorporated under the provisions of this Act may at any time and from time to time be amended in the manner provided in this section, provided that the contents of any amendment are first approved by the municipal governing body which shall have the authority to recommend requirements with respect to either any amendment or the original certificate of incorporation. The board of directors of the Authority shall first adopt a resolution proposing an amendment to the certificate of incorporation which shall be set forth in full in the said resolution and which amendment may include any matters which might have been included in the original certificate of incorporation.

After the adoption by the board of a resolution proposing an amendment to the certificate of incorporation of the Authority, the chairman of the board or other chief executive officer of the Authority and the secretary of the Authority shall sign and file a written application in the name of and on behalf of the Authority, under its seal, with the governing body of the authorizing municipality, requesting such governing body to adopt a resolution approving the proposed amendment, and accompanied by a certified copy of the said resolution adopted by the board proposing the said amendment to the certificate of incorporation, together with such documents in support of the application as the said chairman or other chief executive officer may consider appropriate. As promptly as may be practicable after the filing of the said application with the governing body of the authorizing municipality pursuant to the foregoing provisions of this section, such governing body shall review the said application and shall adopt resolutions either denying the said application or authorizing the proposed amendment. Such governing body shall also cause a copy of the said application and all accompanying documents to be spread upon or otherwise made a part of the minutes of the meeting of said governing body at which final action upon said application is taken.

Within forty (40) days following the adoption of a resolution approving the proposed amendment by that governing body the chairman of the board or other chief executive officer of the Authority and the secretary of the Authority shall sign, and file for record in the office of the Judge of Probate of the county in which the municipality is located, a certificate in the name of and in behalf of the Authority, under its seal, reciting the adoption of said resolution by the board and by the governing body of the authorizing municipality and setting forth the said proposed amendment.

Section 7. Each Authority shall be governed by a board of directors. All powers of the Authority shall be exercised by the board or pursuant to its authorization. The board shall consist of six (6) directors. Each director shall be elected by the governing body of the authorizing municipality. The initial

term of office of three of the directors elected by the governing body of the authorizing municipality shall begin immediately upon their election and shall end at 12:01 A.M., on the second anniversary date of the filing for record of the certificate of incorporation of the Authority. The initial term of office of the remaining directors elected by the governing body of the municipality shall begin immediately upon their election and shall end at 12:01 A.M., on the fourth anniversary date of such filing. Thereafter, the term of office of each such director shall be six years. If at any time there should be a vacancy on the board, a successor director to serve for the unexpired term applicable to such vacancy shall be elected by the governing body of the authorizing municipality. Each election of a director, whether for a full term or to complete an unexpired term, shall be made not earlier than thirty days prior to the date on which such director is to take office as such. No officer or employee of the state or of any county or municipality shall, during his tenure as such officer; be eligible to serve as a director. Each director must be a duly qualified elector of the authorizing municipality. Directors shall be eligible for re-election. Each director shall be reimbursed for expenses actually incurred by him in and about the performance of his duties. If the certificate of incorporation so provides, each director except the chairman of the board shall be compensated in an additional amount not to exceed $10 per meeting attended but not to exceed $250 per year. The chairman shall, if said certificate so provides, be compensated in an additional amount not to exceed $500 per year. Any director of the Authority may be impeached and removed from office in the same manner and on the same grounds provided by Section 175, Constitution of Alabama 1901, and the general laws of the state for impeachment and removal of the officers mentioned in said Section 175.

Section 8. The Authority shall have the following powers, together with all powers incidental thereto or necessary to the discharge thereof in corporate form:

(1) To have succession by its corporate name for the duration of time (which may be perpetual, subject to the provisions of Section 20 hereof) specified in its certificate of incorporation;

(2) To sue and be sued in its own name in civil suits and actions and to defend suits against it;

(3) To adopt and make use of a corporate seal and to alter the same at pleasure;

(4) To adopt and alter by-laws for the regulation and conduct of its affairs and business;

(5) To acquire, receive and take, by purchase, gift, lease, devise or otherwise, and to hold property of every description, real, personal or mixed, whether located in one or more counties or municipalities and whether located within or outside the authorizing municipality;

(6) To make, enter into, and execute such contracts, agreements, leases and other instruments and to take other actions as may be necessary or convenient to accomplish any purpose for which the Authority was organized or to exercise any power expressly granted hereunder;

(7) To plan, establish, develop, acquire, purchase, lease, construct, reconstruct, enlarge, improve, maintain, equip and operate transit systems, whether located in one or more municipalities within the state, or within the counties in which such municipalities are located; and without any requirement that such transit systems be interconnected or otherwise constitute an

integrated operational unit, and to acquire real and personal property, franchises and easements deemed necessary or desirable in connection therewith;

(8) To provide public transportation service within a county in any part thereof, upon such reasonable terms and for such reasonable rates and consideration as the board may prescribe;

(9) To sell and issue bonds of the Authority with prior approval of the municipal governing body in order to provide funds for any corporate function, use or purpose, any such bonds to be payable solely from the sources specified in Section 10 hereof;

(10) To assume obligations secured by a lien on, or payable out of or secured by a pledge of the revenues from, any transit system or any part thereof, that may be acquired by the Authority, any obligation so assumed to be payable by the Authority solely from the sources from which bonds of the Authority may be made payable pursuant to the provisions of Section 10 hereof;

(11) To pledge for payment of any bonds issued or obligations assumed by the Authority any revenues from which those bonds or obligations are made payable as herein provided;

(12) To execute and deliver, in accordance with the provisions of this section and of Sections 10 and 11 hereof, mortgages and deed of trust and trust indentures, or either;

(13) To exercise the power of eminent domain in the manner provided in and subject to the provisions of Sections 18-1-1 through 18-3-21, Code of Alabama 1975, provided however, that this clause shall not be deemed to authorize the Authority to acquire, without the consent of the owner or owners thereof, any transit system from which public transportation service is at the time being furnished;

(14) To expend funds for the purchase or lease of materials, equipment, supplies or other personal property without compliance with the provisions of Sections 41-16-50, 41-16-51, 41-16-53 through 41-16-61 and 41-16-63, Code of Alabama 1975, that might otherwise be applicable, but only where the expenditure involves less than $2,000;

(15) Without regard to any provisions of Sections 41-16-50, 41-16-51, 41-16-53 through 41-16-61 and 41-16-63, Code of Alabama 1975, at the option of any local civil service system in a Class III municipality, to appoint, employ, contract with, and provide for the compensation of, such officers, employees and agents, including but without limitation to engineers, attorneys, management consultant, and fiscal advisers, as the business of the Authority may require and at its option to provide a system of disability pay, employees insurance, retirement compensation and pensions, or any of them;

(16) To make and enforce reasonable rules and regulations governing the use of any transit system owned or controlled by the Authority;

(17) To provide for such insurance as the board may deem advisable;

(18) To invest any funds of the Authority that the board may determine are not presently needed in the operation of its properties in bonds of the United States of America, bonds of the state, bonds of any county or municipality, and interest-bearing bank deposits, or any thereof;

(19) To cooperate with the United States of America, any agency or instrumentality thereof, the state, any county, municipality or other political subdivision of the state and any public corporation organized under the laws of the state and to make such contracts with them, or any of them, including agreeing with the terms of any federal statute or regulation as the board may deem advisable to accomplish the purposes for which the Authority was established;

(20) To sell and convey any of its properties that may have become obsolete or worn out or that may no longer be needed or useful as a part of any transit system of the Authority;

(21) To sell and convey, with or without valuable consideration, any of its transit systems or any portion of any thereof, to any one or more counties, municipalities, or public corporations organized under the laws of the state, which have the corporate power to operate the system, or portions thereof, so conveyed and the property and income of which are not subject to taxation; provided, that any such sale and conveyance may be made only with the consent of the authorizing municipality, such consent to be evidenced by a resolution adopted by the governing body of such municipality, and (b) only if any such conveyance would not constitute a breach of any then outstanding mortgage and deed of trust, trust indenture, or other agreement to which the Authority is a party;

(22) To enter into a management agreement or agreements with any person for the management by or for the Authority of any transit system upon such terms and conditions as may be mutually agreeable; and

(23) To fix and revise from time to time reasonable rates, fees and other charges for public transportation service furnished or to be furnished by any transit system owned or operated by the Authority, and to collect all charges made by it.

Section 9. Rates, fees and charges for public transportation service rendered by the Authority from any of its transit systems shall be fixed and from time to time revised as at all times to provide funds that, when added to all other revenues (including tax proceeds) anticipated to be received by the Authority, will be at least sufficient (a) to pay the cost of operating, maintaining, repairing, replacing, extending and improving the systems from which such services are rendered; (b) to pay the principal of and the interest on all bonds issued and obligations assumed by the Authority, that are payable out of the revenues derived from operation of those systems, as the said principal and interest become due and payable; (c) to create and maintain such reserve for the foregoing purposes or any of them as may be provided in any mortgage and deed of trust or trust indenture executed by the Authority hereunder or in any resolutions of the board authorizing the issuance of bonds, the assumption of any obligation, or the acquisition of any such system; and (d) to make such annual payments, if any, to the United States of America or any agency or instrumentality thereof, the state, municipalities, counties, departments, authorities, agencies, and political subdivisions of the state and any public corporations organized under the laws of the state as the Authority may have contracted to make.

Section 10. All bonds issued by the Authority shall be signed by the chairman of its board or other chief executive officer and attested by its secretary, and the seal of the Authority shall be affixed thereto, and any interest coupons applicable to the bonds of the Authority shall be signed by the chairman of its board or other chief executive officer;

provided, that a facsimile of the signature of one, but not both, of said officers may be printed or otherwise reproduced on any such bonds in lieu of his manually signing the same, a facsimile of the seal of the Authority may be printed or otherwise reproduced on any such bonds in lieu of being manually affixed thereto, and a facsimile of the signature of the chairman of its board or other chief executive officer may be printed or otherwise reproduced on any such interest coupons in lieu of his manually signing the same. Any such bonds may be executed and delivered by the Authority at any time and from time to time, shall be in such form and denominations and of such tenor and maturities, shall contain such provisions not inconsistent with the provisions of this Act, and shall bear such rate or rates of interest, payable and evidenced in such manner, as may be provided by resolution of its board. Bonds of the Authority may be sold at either public or private sale in such manner and at such price or prices and at such time or times as may be determined by the board to be most advantageous. The principal of and interest on any bonds issued or obligations assumed by the Authority may thereafter at any time (whether before, at or after maturity of any such principal and whether at, after or not exceeding six months prior to the maturity of any such interest) and from time to time be refunded by the issuance of refunding bonds of the Authority, which may be sold by the Authority at public or private sale at such price or prices as may be determined by its board to be most advantageous, or which may be exchanged for the bonds or other obligations to be refunded. The Authority may pay all expenses, premiums and commissions which its board may deem necessary and advantageous in connection with any financing done by it. All bonds issued by the Authority shall be construed to be negotiable instruments although payable solely from a specified source. All obligations created or assumed and all bonds issued or assumed by the Authority shall be solely and exclusively an obligation of the Authority and shall not create an obligation or debt of any county or municipality; provided, that the provisions of this sentence shall not be construed to release the original obligor from liability on any bond or other obligation assumed by the Authority. Any bonds issued by the Authority shall be limited or special obligations of the Authority payable solely out of the revenues of the Authority specified in the proceedings authorizing those bonds. Any such proceedings may provide that the bonds therein authorized shall be payable solely from that one or combination of the following sources as may be set forth in any resolution of the board authorizing the issuance of such bonds: (a) any tax proceeds appropriated, allocated or made payable (in whole or in part) to such Authority by or pursuant to any Act of the legislature of the state or by or pursuant to any ordinance, resolution or order of the county in which the Authority is authorized to furnish public transportation service or any municipality located in such county, and (b) the revenues derived from the operation of all transit systems owned by the Authority of solely out of the revenues from the operation of any one or more of such systems or parts thereof, regardless of the fact that those bonds may have been issued with respect to or for the benefit of only certain particular systems of the Authority. The Authority may pledge for the payment of any of its bonds the revenues from which such bonds are payable, and may execute and deliver a trust indenture evidencing any such pledge or a mortgage and deed of trust conveying as security for such bonds the transit systems, or any part of any thereof, the revenues or any part of the revenues from which are so pledged. Any mortgage and deed of trust or trust indenture made by the Authority may contain such agreements as the board may deem advisable repecting the operation and maintenance of the property and the use of the revenues subject to such mortgage and deed of trust or affected by such trust indenture, and respecting the rights, duties and remedies of the parties to any such instrument and the parties for the benefit of whom such instrument is made; provided, that no such instrument shall be subject to foreclosure.

Section 11. As security for payment of the principal of and the interest on bonds issued or obligations assumed by it, the Authority may enter into a contract or contracts binding itself for the proper application of the proceeds of bonds and other funds, for the continued operation and maintenance of any transit system owned by it, or any part or parts thereof, for the imposition and collection of reasonable rates for and the promulgation of reasonable regulations respecting any service furnished from such system, for the disposition and application of its gross revenues or any part thereof, and for any other act or series of acts not inconsistent with the provisions of this Act for the protection of the bonds and other obligations being secured and the assurance that the revenues from such system, when added to all other moneys of the Authority available therefor, will be sufficient to operate such system, maintain the same in good repair and in good operating condition, pay the principal of and the interest on any bonds payable from such revenues, and maintain such reserve as may be deemed appropriate for the protection of the bonds, the efficient operation of such system, and the making of replacements thereof and capital improvements thereto. Any contract pursuant to the provisions of this section may be set forth in any resolution of the board authorizing the issuance of bonds or the assumption of obligations or in any mortgage and deed of trust, or trust indenture made by the Authority hereunder.

Section 12. Any resolution of the board of trust indenture under which bonds may be issued pursuant to the provisions of this Act may contain provisions creating a statutory mortgage lien, in favor of the holders of such bonds and of the interest coupons applicable thereto, on the transit systems, or any thereof (including any after-acquired property) out of the revenues from which such bonds are made payable. The said resolution of the board or the said trust indenture may provide for the filing for record in the office of the Judge of Probate of each county in which any part of such transit system, or any thereof, may be located of a notice containing a brief description of such systems, a brief description of such bonds, and a declaration that said statutory mortgage lien has been created for the benefit of the holders of such bonds and the interest coupons applicable thereto, upon such systems, including any additions thereto and extensions thereof. Each Judge of Probate shall receive, record and index any such notice filed for record in his office. The recording of such notice, as herein provided, shall operate as constructive notice of the contents thereof.

Section 13. All moneys derived from the sale of any bonds issued by the Authority shall be used solely for the purpose or purposes for which the same are authorized and any costs and expenses incidental thereto. Such costs and expenses may include but shall not be limited to (1) the fiscal, engineering, legal and other expenses incurred in connection with the issuance of the bonds, (2) in the case of bonds issued to pay costs of acquired or constructing all or any part of a transit system interest on such bonds (or, if a part only of any series of bonds is issued for acquisition or construction purposes, interest on that portion of the bonds of that series that is issued to pay such acquisition or construction costs) prior to and during such acquisition or construction and for not exceeding one year after completion of such acquisition or construction, and (3) in the case of bonds issued for the purpose of refunding principal and interest, or either, with respect to bonds issued or obligations assumed by the Authority, any premium that it may be necessary to pay in order to redeem or retire the bonds or other obligations to be refunded.

Section 14. For the purpose of securing public transportation or aiding or cooperating with the Authority in the planning, development, undertaking, construction, acquisition, extension, improvement, operation or protection of transit systems, any county, municipality or other political subdivision, public corporation, agency or instrumentality of this state may, upon such terms and with or without consideration, as it may determine: (a) lend or donate money to, or perform services for the benefit of, the Authority; (b) donate, sell, convey, transfer, lease or grant to the Authority, without the necessity of authorization at any election of qualified voters, any property or any kind, including, but without limitation, any transit systems, any interest in any thereof, and any franchise; (c) provide that all or a portion of the taxes or funds available or to become available to, or required by law to be used by it for public transportation service or for the support of transit systems, be transferred or paid directly to the Authority as such funds become available; and (d) do any and all things, whether or not specifically authorized in this section, not otherwise prohibited by law, that may be necessary or convenient to aid and cooperate with the Authority in the planning, undertaking, construction, acquisition, or operation of transit systems.

Section 15. The property and income of the Authority, all bonds issued by the Authority, the income from such bonds, conveyances by or to the Authority, and leases, mortgages, and deeds of trust by or to the Authority shall be exempt from all taxation in the State of Alabama. The Authority shall be exempt from all taxes levied by any county, municipality, or other political subdivision of the state, including, but without limitation to, license and excise taxes imposed in respect of the privilege of engaging in any of the activities that an Authority may engage in. The Authority shall not be obligated to pay or allow any fees, taxes or costs to the Judge of Probate of any county in respect of its incorporation, the amendment of its certificate of incorporation, or the recording of any document.

Section 16. This Act is intended to aid the state in the execution of its duties by providing appropriate and independent instrumentalities of the state with full and adequate powers to fulfill their functions. Except as in this Act expressly otherwise provided, no proceeding, notice or approval shall be required for the incorporation of any Authority or the amendment of its certificate of incorporation, the acquisition of any property or transit system, or the issuance of any bonds, mortgage and deed of trust, or trust indenture. The Authority, every transit system of the Authority, any public transportation service provided by the Authority, and the rates and charges thereof shall be exempt from all jurisdiction of, and all regulation and supervision by, the Public Service Commission. Neither a public hearing nor the consent of the State Department of Finance shall be prerequisite to the issuance of bonds by the Authority.

Section 17. Each Authority is hereby authorized to use the rights-of-way of all public roads in the state without securing the prior approval of the state or of its agencies or departments or the governing body of said county and subject only to the necessity of obtaining the municipal consent required by Section 220 of the Constitution of Alabama; provided, however, that nothing herein shall be construed to exempt any Authority from the requirements of Section 23-1-4, Code of Alabama 1975; and provided further, that the said Authority shall have the duty to restore at its expense all roads, highways and public rights-of-way in which it may have made excavations or done other work in constructing a transit system or performing any of its other corporate functions.

Section 18. Within thirty (30) days of the beginning of the fiscal year of an Authority, the board shall adopt a budget for such fiscal year. Any such budget may be amended by a resolution of the board from time to time and at any time. Within thirty (30) days following the close of each fiscal year the Authority shall cause an audit of its books and records to be made for such fiscal year by an independent certified public accountant. Within ninety (90) days following the close of each fiscal year the Authority will furnish a copy of such audit to the governing body of the authorizing municipality.

Section 19. At any time when the Authority has no bonds or other obligations outstanding, the board may adopt a resolution, which shall be duly entered upon its minutes, declaring that the Authority shall be dissolved. Upon the filing for record of a certified copy of the said resolution in the office of the Judge of Probate of the county in which the authorizing municipality is located, the Authority shall thereupon stand dissolved and in the event it owned any property at the time of its dissolution, the title to all its properties shall thereupon pass to, and be divided and apportioned as follows: title to real estate shall vest in the county or municipality, as the case may be, in which the said real estate is located, and the title to tangible personal property (including cash on hand and in banks), accounts receivable, choses in action, and other intangible property (other than intangible interest in land) shall vest in the authorizing municipality.

Section 20. The existence of an Authority incorporated under the provisions of this Act, shall prevent the subsequent incorporation hereunder of another Authority in the same county.

Section 21. The provisions of this Act are severable. In the event any section, clause or provision hereof shall be held invalid or unenforceable, such holding shall not invalidate or render unenforceable any other section, clause or provision hereof.

Section 22. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

JOHN W. PEMBERTON,
Clerk.

Yeas 22; Nays 0.

Yeas:

Messrs.:	Denton	Little	Proctor	
Bailey	Hall	Martin	Smith	
Barron	Harrison	McDonald	Taylor	
Britnell	Holmes	Miller	Teague	
Clemon	Keener	Mitchem	White	
deGraffenried	Lemaster	Pearson		—22

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate.

S. 57. To amend section 11-81-16 of the Code of Alabama 1975, which authorizes pledges of certain tax proceeds and other revenues for payment of

principal of and interest on bonds of a county or municipality, so as to clarify the said section and so as to add to the classes of revenues that may be so pledged revenues from airports and other revenue producing facilities.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Pearson, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 57, the title of which is set out in the foregoing Message from the House, to-wit:

HOUSE SUBSTITUTE FOR S. B. 57

A BILL
TO BE ENTITLED
AN ACT

To amend section 11-81-16 of the Code of Alabama 1975, which authorizes pledges of certain tax proceeds and other revenues for payment of principal of and interest on bonds of a county or municipality, so as to clarify the said section by adding revenues from airport facilities to the classes of utility revenues that may be so pledged.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 11-81-16 of the Code of Alabama 1975 shall be, and hereby is, amended to read as follows:

"§ 11-81-16.

In any case in which a county or municipality may hereafter issue any bonds which are general obligations of such county or municipality, there may be pledged to the payment of the principal of and interest on such bonds all or any part or portion of funds which may be derived from any one or more of the following sources and which shall not be required for the purpose of making good any valid pledge thereof theretofore made or which are not required by the Constitution to be devoted to other purposes and which such county or municipality may at any time be authorized to levy, or collect, or receive:

(1) The proceeds of any property tax;

(2) The proceeds of any license, privilege or occupational tax, excepting such license taxes as may be levied by municipalities for conducting business outside their corporate limits;

(3) The portion of any license, privilege or occupational tax levied under any law heretofore or hereafter enacted which may be apportioned and paid to such municipality or county; and

(4) The revenues of any waterworks, sewage system, electric light and power plant, airport, or any other utility maintained and operated by such municipality or county.

The provisions making such pledge shall have the force of contract between the county or municipality and the holders of such bonds. No property tax thus pledged and no rate or charge for the services rendered by such utility shall be reduced or diminished to such an extent that the tax or

revenue pledged will not be sufficient to meet the interest and sinking fund or principal requirements of such bonds. Any tax or revenue so pledged shall constitute a trust fund or funds which shall be impressed with a lien in favor of the holders of the bonds to the payment of which such funds are pledged. In the event such county or municipality should pledge any tax or revenues as authorized by this section, the ordinance or resolution authorizing the issuance of such bonds may provide that such county or municipality shall not be required to levy the tax provided for in section 11-81-15, but shall be required to levy only such property taxes, license, privilege or occupational taxes as may be so pledged under authority of this section. Notwithstanding any contrary provisions of any general or local law, the ordinance or resolution authorizing the issuance of any such bonds may contain provisions or covenants whereby, so long as any such bonds shall be outstanding, any license, privilege or occupational tax thus pledged shall be levied and collected in each year without reduction in the aggregate annual amount of such license, privilege or occupational taxes so pledged."

Section 2. This act shall become effective upon being signed by the Governor or upon its otherwise or upon its otherwise becoming law.

HOUSE AMENDMENT TO S. B. 57

Amend Senate Bill 57 in Section 1, page 2, line 24 after the word "airport" by striking or other revenue producing facility and inserting in lieu thereof facility or parking meters.

Further amend the bill on line 32 after the word "airport" by striking or other revenue producing and after the word "facility" delete the comma and add or parking meters.

Yeas 22; Nays 0.

Yeas:

Messrs.:	Denton	Keener	Mitchem	
Barron	Figures	Lemaster	Parsons	
Britnell	Goodwin	Little	Pearson	
Clemon	Gulledge	Martin	Proctor	
Cook	Harrison	McDonald	Taylor	
deGraffenried	Holmes	Miller		—22

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 599. To set the compensation of the tax collector of Etowah County.

Also:

S. 618. To amend Act No. 366, S. 472, 1978 Regular Session (Acts 1978, p. 309) entitled "An Act Relating to Limestone County; providing for the compensation and expense allowance of certain county officers," so as to provide further for said compensation and to give this act retroactive effect.

Also:

S. 571. Relating to Autauga County; authorizing the county commission to levy a special county privilege license and excise tax paralleling the state sales and use taxes provided for in Chapter 23 of Title 40 of the Code of Alabama 1975, as amended; providing for the collection and enforcement of such taxes by the State Department of Revenue; providing for the distribution and use of the proceeds; and providing penalties for violations of this Act.

Also:

S. 619. Relating to Limestone County; to provide an additional expense allowance for certain elected county officers.

Also:

S. 635. Relating to the method of giving notice of the requirement of attendance of jury service and the procedure for summoning witnesses in Shelby County; to provide that witnesses may be subpoenaed by United States mail in the county under certain conditions.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Riddick:

H. J. R. 319. COMMENDING THE KNIGHTS OF COLUMBUS FOR THEIR EFFORTS ON BEHALF OF ALABAMA'S MENTALLY RETARDED CITIZENS AND DESIGNATING OCTOBER 12, 13 and 14, 1979 AS "KNIGHTS OF COLUMBUS TOOTSIE ROLL DRIVE DAYS" IN ALABAMA.

Also:

By Rep. Minus:

H. J. R. 320. COMMENDING GENERAL TAYLOR HARDIN UPON HIS RETIREMENT AS COMMISSIONER OF THE ALABAMA DEPARTMENT OF MENTAL HEALTH.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. McDonald, the Rules were suspended and the Resolutions, H. J. R.'s 319 and 320, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

RESOLUTIONS

Messrs. Cook and Parsons offered the following Senate Joint Resolution, to-wit:

S. J. R. 165. CONGRATULATING AND COMMENDING MISS KELLY LEIGH MANN, NATIONAL "YOUNG MISS AMERICA."

WHEREAS, it is with extreme pride and pleasure that the Legislature of Alabama notes the crowning of Bessemer, Alabama's Kelly Leigh Mann as the national and reigning "Young Miss America"; and

WHEREAS, crowned on July 21, 1979, following pageant finals in St. Paul, Minnesota, the lovely Miss Mann had earlier won both the evening gown competition and the first place award for talent; and

WHEREAS, Kelly Leigh Mann, a young and very gifted 15-year-old ballerina, is a sophomore at Bessemer Academy and will attend the University of Alabama School of Ballet on scholarship; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily congratulate Kelly Leigh Mann of Bessemer, Alabama, on her recent selection as the national "Young Miss America," and express our deep appreciation for the fame and honor she has brought to the entire State of Alabama.

BE IT FURTHER RESOLVED, That copies of this resolution be sent both to Miss Mann and to her justifiably proud parents, Mr. and Mrs. William C. Mann, that they may be aware of our pride and of our praise for such a lovely young lady and good will ambassador for our state.

On motion of Mr. Cook, the Rules were suspended and the Resolution was adopted by the Senate.

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 166. RESOLVED BY THE SENATE That the following business in the order named be special and paramount order of business upon reaching bills on 3rd reading for the 30th Legislative Day.

Bill No.	Page No.	Description
H. B. 1045	27	Tennessee Valley Authority
H. B. 55	6	Excise tax on gasoline
H. B. 926	27	County Commission
H. B. 483	48	Compensation of Circuit judges
H. B. 540	49	Div. State Highway Dept.
H. B. 816	53	Prevents rev. of road & bridge approp.
H. B. 791	20	Cost of living inc. for ret. persons
H. B. 652	51	Minimum Program Fund
H. B. 653	51	Three mill district school tax
H. B. 664	52	State board of education
H. B. 174	55	Dept. of public safety
H. B. 722	16	Further prov. for alloc. to nursing programs George C. Wallace Comm. College
H. B. 205	28	Primary Elections
H. B. 561	26	"Public Housing"

H. B. 667	5	County law libraries
H. B. 556	28	Amend Title 11, Sec. 11-58-1, Code of AL 75
H. B. 327	4	"Public Warehouse"
H. B. 128	8	Forestry Commission
H. B. 138	29	Health Care Institutions
H. B. 708	9	Boundary line between Shelby and Jefferson Co.
H. B. 283	8	Location of Jr. colleges & trade sch. det. by Leg.
H. B. 162	21	Dept. of Agri. and Industries
H. B. 937	35	Class 4 & 5 & 7 & 8 municipalities
H. B. 610	18	Exec. & serv. cert. process by mail
H. B. 57	47	Mental Health
H. B. 750	20	State board of adjustment
H. B. 639	9	State board of auctioneers
H. B. 685	6	Proh. possession of firearm at demo.
H. B. 319	23	Excise taxes on oils greases or sub.
H. B. 320	23	Exempt certain sales of lubricating oil
H. B. 290	26	Limits amt. of lic. a mun may levy on vend. & weight.
H. B. 178	48	Alabama Coun. for Sch. Admn and Sup.
H. B. 469	14	Child Custody proceedings
H. B. 823	28	Alabama Health Care Resp. Act
H. B. 130	26	Volunteer fire dept. dist. auto tags
H. B. 486	15	Est. emergency forest fire fund
H. B. 4	17	State nurseries
H. B. 281	14	School officials safety proc.
H. B. 283	8	Location of Jr. colleges & trade sch. det. by Leg.
H. B. 459	25	Small loan companies
H. B. 233	3	Fine for game bird & animals
H. B. 247	13	County board of education
H. B. 574	19	Creating the office of Governor's councillor
H. B. 248	14	County Supt. of Ed.
H. B. 309	19	Election reform
H. B. 575	20	Department of Pensions & Security
H. B. 551		Dept. of Pensions & Sec.

H. B. 806	52	Dept. of Forensic Sciences
H. B. 559	21	Funeral Dir. & Embalmers
H. B. 114	9	Mun. industrial dev. boards
H. B. 752	19	Burn a cross
H. B. 361	14	Carrying a handgun auth.
H. B. 53	3	Exempt. certain persons from motor veh. lic. taxes
H. B. 357	4	Relating to seafoods
H. B. 587	24	Real Estate
H. B. 628	29	Mental health serv.
H. B. 51	46	Wine whol. issued a lic. by Alabama Alcoholic Control Board

And said Resolution was adopted by the Senate.

LOCAL BILLS ON THIRD READING

The BIll:

H. 717. Relating to Lee County; providing for the payment of an additional expense allowance to the chairman and members of the county commission or like governing body of Lee County.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Little	Smith	
Bailey	Figures	Miller	Taylor	
Barron	Glass	Mitchem	Teague	
Britnell	Hall	Parsons	Vacca	
Callahan	Higginbotham	Pearson	Weeks	
Clemon	Keener	Proctor	White	
Cook	Kirkland			—25

Nays: —0

The Bill:

H. 928. Relating to the eleventh judicial circuit; providing for a county salary supplement for the circuit judges and the presiding district judge of the eleventh judicial circuit, and to provide the means and manner for the payment of same.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Britnell	Denton	Gulledge
Bailey	Clemon	Glass	Hall
Barron	Cook	Goodwin	Holmes

Keener	Martin	Smith	Vacca	
Kirkland	Miller	Taylor	Weeks	
Lemaster	Mitchem	Teague	White	
Little	Parsons			—25

Nays: —0

The Bill:

H. 782. Relating to Blount County; to provide an additional expense allowance of $100.00 per month for the members of the county board of education.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Little	Smith	
Bailey	Glass	Martin	Taylor	
Barron	Goodwin	McDonald	Teague	
Britnell	Hall	Mitchem	Vacca	
Clemon	Holmes	Pearson	Weeks	
Cook	Keener	Proctor	White	
Denton	Kirkland			—25

Nays: —0

The Bill:

H. 513. Pertaining to Madison County; to repeal Act Number 84, S. 62, Fourth Special Session 1975 (Acts. p. 2728).

was taken up.

On motion of Mr. McDonald, consideration of the Bill, H. B. 513, was indefinitely postponed by the Senate.

The Bill:

H. 957. Relating to Etowah County; providing for the salaries of the chairman of the county commission and the members of such commission.

was taken up.

On motion of Mr. Keener, consideration of the Bill, H. B. 957, was indefinitely postponed by the Senate.

The Bill:

H. 432. To amend Title 12, Chapter 19, Section 92 of the Code of Alabama 1975, so as to revise and establish fees and allowances paid to constables in Jefferson County; to repeal conflicting statutes of provisions thereof; to provide for an effective date.

was taken up.

The Standing Committee on Local Legislation No. 2 reported the following amendment to the Bill, H. B. 432, to-wit:

COMMITTEE AMENDMENT TO HOUSE BILL 432

Amend Section 1 of House Bill 432 by inserting on line 26 the word "actual" between the word "the" and the word "service".

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Little	Proctor	
Bailey	Glass	Martin	St. John	
Barron	Goodwin	McDonald	Smith	
Britnell	Hall	Miller	Taylor	
Clemon	Holmes	Parsons	Vacca	
Cook	Keener	Pearson	White	
Denton	Kirkland			—25
Nays:				—0

And said Bill, H. B. 432, as thus amended, was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Little	Proctor	
Bailey	Glass	Martin	St. John	
Barron	Goodwin	McDonald	Smith	
Britnell	Hall	Miller	Taylor	
Clemon	Holmes	Parsons	Vacca	
Cook	Keener	Pearson	White	
Denton	Kirkland			—25
Nays:				—0

The Bill:

H. 377. To amend Section 11-50-313 of the Code of Alabama 1975, relating to boards of directors of public corporations created by municipalities for the purpose of owning, operating, and financing water, sewer, gas, and electric systems, so as to further provide for payment of compensation to the chairman and other members of the board of any such public corporation created in any city located in Jefferson County.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Little	Proctor	
Bailey	Glass	Martin	St. John	
Barron	Goodwin	McDonald	Smith	
Britnell	Hall	Miller	Taylor	
Clemon	Holmes	Parsons	Vacca	
Cook	Keener	Pearson	White	
Denton	Kirkland			—25
Nays:				—0

The Bill:

H. 1003. To amend Section 4.04 of Act No. 452, Regular Session of the Legislature of Alabama of 1955, approved September 9, 1955 (Acts of 1955, Page 1004), as amended, providing a Mayor-Council form of government for cities having a population of 300,000 inhabitants or more according to the last or any subsequent Federal Census, to provide the method for determining the annual salary to be paid to the Mayor of such City.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Little	Proctor	
Bailey	Glass	Martin	St. John	
Barron	Goodwin	McDonald	Smith	
Britnell	Hall	Miller	Taylor	
Clemon	Holmes	Parsons	Vacca	
Cook	Keener	Pearson	White	
Denton	Kirkland			—25

Nays: —0

The Bill:

H. 974. To levy a license tax in all counties in this State of 600,000 population or more according to the last or any succeeding federal census, on persons engaged in selling alcoholic, spirituous, vinous, or fermented liquor at retail and to fix the rate or amount of such tax in the following amounts: Whiskey, gin, brandy, rum, vodka, cocktails, and all other alcoholic beverages except malt beverages, wines and other fermented beverages, sold, distributed, delivered, stored, or taken out of storage within the county, on each bottle or container of two (2) ounces or less, ten (10) cents; on each bottle or container of more than two (2) ounces and not more than one-half pint, twenty-five (25) cents; on each bottle or container of more than one-half pint and not more than one pint one dollar ($1.00); on each bottle or container of more than one pint and not more than one-fifth of a gallon one dollar and sixty cents ($1.60); on each bottle or container of more than one-fifth of a gallon and not more than one quart, two dollars ($2.00); on each bottle or container of more than one quart, two dollars ($2.00) plus ten (10) cents for each one and six-tenths (1-6/10) ounces or fractional part thereof in excess of one quart. Wines and other fermented beverages sold, distributed, delivered, stored, or taken out of storage within the county, on each bottle or container, twenty-five (25) cents; to provide that if the governing body of any such county finds and declares by resolution that the discontinuance of the State prohibition against licensees' selling, or keeping for sale, liquor or wine except in the original unbroken package is imminent, then such governing body shall be authorized to levy a license tax, in the amount below prescribed, on each person selling, distributing, delivering, storing, or with-drawing from storage at retail, within the county the beverages herein-above described in this title; to provide that the amount of such license tax said governing body shall be authorized to levy, as aforesaid, shall be fixed in the ordinance or resolution levying such license tax, which amount shall not be less than 3% or more than 6% of the gross receipts realized by such person from the distribution, delivery, sale, storage or withdrawal from storage in the county of whiskey, gin, brandy, rum, vodka, cocktails and

all other alcoholic beverages except malt beverages sold, distributed, stored, or taken out of storage within the county; to provide that the last mentioned license tax shall be called "the gross receipts tax'; to provide that upon and after the date whereon the gross receipts tax becomes effective the license tax first hereinabove mentioned shall no longer be in effect, subject, however, to the proviso that no person shall be relieved of his obligation to pay any license tax first above mentioned due by such person for, or on account of, transactions occurring when the license tax first above mentioned was in effect; to provide for the payment of either of the two license taxes above mentioned, which is in effect and for the making and maintaining of records and reports with respect thereto; to provide for the collection and distribution of either of the above mentioned license taxes which is in effect and for the enforcement of the provisions of this act; to provide that the Board of Revenue, County Commission or like governing body of any such county shall have the authority to adopt ordinances, rules and regulations pertaining to the collection of either of the above mentioned license taxes or pertaining to the making of reports and maintaining of records with respect thereto; to provide that such ordinances, rules and regulations shall have the force and effect of law; to provide that either of the above mentioned taxes shall constitute a debt to such county which may be collected by civil suit in addition to all other methods provided by law; to provide that either of the above mentioned license taxes, together with interest and penalties with respect thereto, shall constitute a lien upon the property of any person from whom the tax is due; to require any person engaged in selling alcoholic, spirituous, vinous, or fermented liquor to obtain a permit to sell such beverages from the Judge of Probate, License Commissioner, Director of County Department of Revenue, or other public officer performing like duties in such counties; to require any such person to make a deposit of cash or marketable securities or to file a bond in an appropriate sum of two times the estimated average monthly tax; to provide that the revenue derived from either of the above mentioned license taxes, less the cost of collection, shall be paid into an Indigent Care Fund, and to provide the purpose or purposes for which either of the above mentioned taxes may be expended; to repeal any act now in effect in counties subject to this act which levies a license tax on the sale of alcoholic, spirituous, vinous, or fermented liquors, and specifically to repeal Act No. 559 of the 1959 Regular Session of the Legislature of Alabama, approved November 15, 1959; to provide for appeals from any tax assessment made under this act; to provide that all taxes due and the remedies and penalties under said statutes repealed shall continue in effect as to any taxes accrued under said repealed statutes; to provide and fix penalties for the violation of any of the provisions of said act; and to otherwise provide for the administration of said act and for the effective date thereof;" to amend the body of said Act No. 388 of the Regular Session of the Legislature of Alabama of 1965 so as to provide that on the contingency above specified in the title of said Act No. 388 as said title will be amended by this amendatory act, the governing body of any such county may levy the gross receipts tax described in the title of said Act No. 388 amended as aforesaid; and to otherwise amend the body of said Act No. 388 of the Regular Session of the Legislature of 1965 so that said Act No. 388, as amended by this amendatory act, will contain the provisions which the title of said Act No. 388, amended as aforsaid indicates said Act No. 388 will contain when amended.

was taken up.

Mr. Vacca offered the following substitute for the Bill, H. B. 974, to-wit:

SUBSTITUTE FOR H. 974

A BILL
TO BE ENTITLED
AN ACT

To amend the title and Section 3 of Act No. 388 of the Regular Session of the Legislature of Alabama of 1965 (Acts 1965, p. 533), so as to levy a license tax in all counties in this state of 600,000 population or more according to the last or any succeeding federal census, on persons engaged in selling alcoholic, spirituous, vinous, or fermented liquor at retail and to fix the rate or amount of such tax in the following amounts: Whiskey, gin, brandy, rum, vodka, cocktails, and all other alcoholic beverages except malt beverages, wines and other fermented beverages, sold, distributed, delivered, stored, or taken out of storage within the county, on each bottle or container of two (2) ounces or less, ten (10) cents; on each bottle or container of more than two (2) ounces and not more than one-half pint, twenty-five (25) cents; on each bottle or container of more than one-half pint and not more than one pint one dollar ($1.00); on each bottle or container of more than one pint and not more than one-fifth of a gallon one dollar and sixty cents ($1.60); on each bottle or container of more than one-fifth of a gallon and not more than one quart, two dollars ($2.00); on each bottle or container of more than one quart, two dollars ($2.00) plus ten (10) cents for each one and six-tenths (1-6/10) ounces or fractional part thereof in excess of one quart; wines and other fermented beverages sold, distributed, delivered, stored, or taken out of storage within the county, on each bottle or container, twenty-five (25) cents; to provide that if the governing body of any such county finds and declares by resolution that the discontinuance of the State prohibition against licensees' selling, or keeping for sale, liquor or wine except in the original unbroken package is imminent, then such governing body shall be authorized to levy a license tax, in the amount below prescribed, on each person selling, distributing, delivering, storing, or withdrawing from storage at retail, within the county the beverages hereinabove described in this title; to provide that the amount of such license tax said governing body shall be authorized to levy, as aforesaid, shall be fixed in the ordinance or resolution levying such license tax, which amount shall not be less than 3% or more than 6% of the gross receipts realized by such person from the distribution, delivery, sale, storage or withdrawal from storage in the county of whiskey, gin, brandy, rum, vodka, cocktails and all other alcoholic beverages except malt beverages sold, distributed, stored, or taken out of storage within the county; to provide that the last mentioned license tax shall be called 'the gross receipts tax'; to provide that upon and after the date whereon the gross receipts tax becomes effective the license tax first hereinabove mentioned shall no longer be in effect, subject, however, to the proviso that no person shall be relieved of his obligation to pay any license tax first above mentioned due by such person for, or on account of, transactions occurring when the license tax first above mentioned was in effect; to provide for the payment of either of the two license taxes above mentioned, which is in effect and for the making and maintaining of records and reports with respect thereto; to provide for the collection and distribution of either of the above mentioned license taxes which is in effect and for the enforcement of the provisions of this act; to provide that the Board of Revenue, County Commission or like governing body of any such county shall have the authority to adopt ordinances, rules and regulations pertaining to the collection of either of the above mentioned license taxes or pertaining to the making of reports and maintaining of records with respect thereto; to provide that such ordinances, rules and regulations shall have the force and effect of law; to provide that either of the above mentioned taxes

shall constitute a debt to such county which may be collected by civil suit in addition to all other methods provided by law; to provide that either of the above mentioned license taxes, together with interest and penalties with respect thereto, shall constitute a lien upon the property of any person from whom the tax is due; to require any person engaged in selling alcoholic, spirituous, vinous, or fermented liquor to obtain a permit to sell such beverages from the Judge of Probate, License Commissioner, Director of County Department of Revenue, or other public officer performing like duties in such counties; to require any such person to make a deposit of cash or marketable securities or to file a bond in an approximate sum of two times the estimated average monthly tax; to provide that the revenue derived from either of the above mentioned license taxes, less the cost of collection, shall be paid into an Indigent Care Fund, and to provide the purpose or purposes for which either of the above mentioned taxes may be expended; to repeal any act now in effect in counties subject to this act which levies a license tax on the sale of alcoholic, spirituous, vinous, or fermented liquors, and specifically to repeal Act No. 559 of the 1959 Regular Session of the Legislature of Alabama, approved November 15, 1959; to provide for appeals from any tax assessment made under this act; to provide that all taxes due and the remedies and penalties under said statutes repealed shall continue in effect as to any taxes accrued under said repealed statutes; to provide and fix penalties for the violation of any of the provisions of said act; and to otherwise provide for the administration of said act and for the effective date thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. The title of Act No. 388 of the Regular Session of the Legislature of Alabama of 1965, approved August 13, 1965, which said Act appears on pages 533-547 of the Acts of the Legislature of Alabama of 1965, is hereby amended so as to provide as follows:

"An Act to levy a license tax in all counties in this state of 600,000 population or more according to the last or any succeeding federal census, on persons engaged in selling alcoholic, spirituous, vinous, or fermented liquor at retail and to fix the rate or amount of such tax in the following amounts: Whiskey, gin, brandy, rum, vodka, cocktails, and all other alcoholic beverages except malt beverages, wines and other fermented beverages, sold, distributed, delivered, stored, or taken out of storage within the county, on each bottle or container of two (2) ounces or less, ten (10) cents; on each bottle or container of more than two (2) ounces and not more than one-half pint, twenth-five (25) cents; on each bottle or container of more than one-half pint and not more than one pint one dollar ($1.00); on each bottle or container of more than one pint and not more than one-fifth of a gallon one dollar and sixty cents ($1.60); on each bottle or container of more than one-fifth of a gallon and not more than one quart, two dollars ($2.00); on each bottle or container of more than one quart, two dollars ($2.00) plus ten (10) cents for each one and six tenths (1 6/10) ounces or fractional part thereof in excess of one quart; wines and other fermented beverages sold, distributed, delivered, stored, or taken out of storage within the county, on each bottle or container, twenty-five (25) cents; to provide that if the governing body of any such county finds and declares by resolution that the discontinuance of the State prohibition against licensees' selling, or keeping for sale, liquor or wine except in the original unbroken package is imminent, then such governing body shall be authorized to levy a license tax, in the amount below prescribed, on each person selling, distributing, delivering, storing, or withdrawing from storage at retail, within the county the beverages hereinabove described in this title; to provide that the amount of such license tax said governing body

shall be authorized to levy, as aforesaid, shall be fixed in the ordinance or resolution levying such license tax, which amount shall not be less than 3% or more than 6% of the gross receipts realized by such person from the distribution, delivery, sale, storage or withdrawal from storage in the county of whiskey, gin, brandy, rum, vodka, cocktails and all other alcoholic beverages except malt beverages sold, distributed, stored, or taken out of storage within the county; to provide that the last mentioned license tax shall be called 'the gross receipts tax'; to provide that upon and after the date whereon the gross receipts tax becomes effective the license tax first hereinabove mentioned shall no longer be in effect, subject, however, to the proviso that no person shall be relieved of his obligation to pay any license tax first above mentioned due by such person for, or on account of, transactions occurring when the license tax first above mentioned was in effect; to provide for the payment of either of the two license taxes above mentioned, which is in effect and for the making and maintaining of records and reports with respect thereto; to provide for the collection and distribution of either of the above mentioned license taxes which is in effect and for the enforcement of the provisions of this act; to provide that the Board of Revenue, County Commission or like governing body of any such county shall have the authority to adopt ordinances, rules and regulations pertaining to the collection of either of the above mentioned license taxes or pertaining to the making of reports and maintaining of records with respect thereto; to provide that such ordinances, rules and regulations shall have the force and effect of law; to provide that either of the above mentioned taxes shall constitute a debt to such county which may be collected by civil suit in addition to all other methods provided by law; to provide that either of the above mentioned license taxes, together with interest and penalties with respect thereto, shall constitute a lien upon the property of any person from whom the tax is due; to require any person engaged in selling alcoholic, spirituous, vinous, or fermented liquor to obtain a permit to sell such beverages from the Judge of Probate, License Commissioner, Director of County Department of Revenue, or other public officer performing like duties in such counties; to require any such person to make a deposit of cash or marketable securities or to file a bond in an approximate sum of two times the estimated average monthly tax; to provide that the revenue derived from either of the above mentioned license taxes, less the cost of collection, shall be paid into an Indigent Care Fund, and to provide the purpose or purposes for which either of the above mentioned taxes may be expended; to repeal any act now in effect in counties subject to this act which levies a license tax on the sale of alcoholic, spirituous, vinous, or fermented liquors, and specifically to repeal Act No. 559 of the 1959 Regular Session of the Legislature of Alabama, approved November 15, 1959; to provide for appeals from any tax assessment made under this act; to provide that all taxes due and the remedies and penalties under said statutes repealed shall continue in effect as to any taxes accrued under said repealed statutes; to provide and fix penalties for the violation of any of the provisions of said act; and to otherwise provide for the administration of said act and for the effective date thereof."

Section 2. Section 3 of Act No. 388 of the Regular Session of the Legislature of Alabama of 1965, approved August 13, 1965, (Ala. Acts, 1965, pp. 535-537) is hereby amended so as to provide as follows:

"Section 3. Levy of Tax. (a) Definitions. As used in this Section 3, the following terms have the meanings here given them: 'the county' means any county now or hereafter subject to this Act; 'the county governing body' means the county board of revenue, the county commission or other like body of the county; 'the original section 3' means section 3 of Act No. 388 of the

Regular Session of the Legislature of Alabama of 1965, approved on August 13, 1965, which said original section 3 appears on pages 535, 536 and 537 of the Acts of the said Regular Session of 1965; 'the 1979 Amendment" means the Act the Legislature of Alabama adopted during its Regular Session of 1979 amending the original section 3 so as to put said section 3 in its present form; 'section 3 as amended in 1979' means section 3 as amended by the 1979 Amendment; 'the State original unbroken package policy' means the State policy in effect when the original section 3 of Act No. 388 of the 1965 Regular Session was approved in August 1965, prohibiting licensees from selling or keeping for sale liquor or wine except in an original unbroken package; and 'the Director of County Department of Revenue' means the Director of the County Department of Revenue, the License Commissioner, or Judge of Probate of the County, or any other public officer performing like duties in the County.

"(b) Every person engaged in the sale at retail of alcoholic, spirituous, vinous or fermented liquor, except malt or brewed beverages of an alcoholic content not in excess of 4% by weight and 5% by volume, shall, in addition to all other taxes and licenses now imposed by law, pay a license tax to the county in the amount prescribed below in this section 3 of this Act.

"(c) (1) The license tax levied by this subsection (c) of this Section 3 shall remain in effect until but not after the county governing body imposes the gross receipts license tax provided for by subsection (d) of this section 3.

"The license tax levied by this subsection (c) is hereby fixed and created as follows: Whiskey, gin, brandy, rum, vodka, cocktails, and all other alcoholic beverages except malt beverages, wines and other fermented beverages, sold, distributed, delivered, stored, or taken out of storage within the county on each bottle or container of two (2) ounces or less, ten (10) cents; on each bottle or container of more than two (2) ounces and not more than one-half pint, twenty-five (25) cents; on each bottle or container of more than one-half pint and not more than one pint, one dollar ($1.00); on each bottle or container of more than one pint and not more than one-fifth of a gallon one dollar and sixty cents ($1.60); on each bottle or container of more than one-fifth of a gallon and not more than one quart, two dollars ($2.00); on each bottle or container of more than one quart, two dollars ($2.00) plus ten (10) cents for each one and six-tenths (1 6/10) ounces or fractional part thereof in excess of one quart; wines and other fermented beverages sold, distributed, delivered, stored or taken out of storage within the county, on each bottle or container, twenty-five (25) cents. On or before the 15th day of the calendar month succeeding the calendar month in which the purchase of such beverages is made, each retailer or person making such purchase for resale shall pay to the county by payment to the Director of County Department of Revenue said license tax at the rate as hereinabove set forth.

"(2) If any amount of said license tax be not paid at or prior to the due date thereof, a penalty of twenty percent (20%) of such amount shall be added thereto and paid by such retailer with a minimum $15.00 penalty in any event. In addition to the penalty of 20% or the minimum penalty of $15.00, whichever shall apply, the Board of Revenue, County Commission, or like governing body of such county may revoke the license of such retailer for delinquent payment of the tax provided for herein. In addition to the penalties herein provided, any delinquent tax shall bear interest at the rate of six per cent (6%) per annum from date until paid.

"(3) It shall be the duty of each person subject to the license tax imposed by this act to keep full and complete records of all purchases, receipts and deliveries of liquor and wine, or either from which records there can be readily obtained information as to the correct amount of license tax due the county. Such records shall be preserved for not less than two (2) years, and shall be open to inspection and checking at all times during regular business hours by the Director of County Department of Revenue or employees of such Director. The person liable for any license tax imposed by this act shall file with the Director of County Department of Revenue, on or before the final date on which the license tax may be paid without penalty such report or reports, and in such form, as the Director of County Department of Revenue may prescribe sworn to or otherwise evidencing the amount of such purchases and the amount of license tax due thereon.

"(4) Any person selling alcoholic, spirituous, vinous, or fermented liquors purchased from any other person who has paid the license tax thereon as fixed in this subsection (c) of this section 3 shall not be required to pay such license; provided, however, that in order to obtain such exemption such person claiming such exemption must, on or before the fifteenth day of the month next succeeding the effective date of this act, and on or before the 15th day of each and every calendar month thereafter, during which he claims such exemptions, file with the Director of County Department of Revenue a written statement, sworn to and subscribed by such person claiming exemption, showing the name and address of such person, each and every purchase, receipt or procurement of alcoholic, spirituous, vinous or fermented liquors made by such person during the calendar month next preceding, together with the name and address of the person from whom purchased, received, or procured, the brand of such beverages, the quantity of each brand of such beverages, the size of containers of each brand of such beverages, the date or dates on which purchased, received or procured, and the disposition thereof by such person claiming the exemption, and evidence of payment of such tax by the person from whom such purchase was made; such statement to be made on forms prescribed by the Director of County Department of Revenue.

"(5) Each and every person selling alcoholic, spirituous, vinous or fermented liquors subject to this act, except such as claim and obtain exemptions under the provisions of subsection (4) of this section, shall, on or before the 15th day of the month next succeeding the effective date of this act, and on or before the 15th day of each and every month thereafter, file with the Director of County Department of Revenue, on forms prescribed by such official, a written statement, sworn to and subscribed by such person showing the name and address of such person, each and every purchase, receipt or procurement of alcoholic, spirituous, vinous or fermented liquors made by such person during the calendar month next preceding, together with the name and address of the person or agency from whom purchased, received, or procured, the price paid for each such purchase, the brand of such beverages, the quantity of each brand of such beverages, and the date or dates on which purchased, received, or procured; any licensee who has made no purchases or sales of beverages covered by this act during any month must file with the Director of County Department of Revenue, on forms prescribed by such Director a written statement sworn to and subscribed by such person, attesting that no such purchases or sales were made in such month. This report must be filed on or before the 15th day following any such month; and any person failing, refusing or omitting to file such statement as herein prescribed shall be guilty of a misdemeanor, and each day that such default continues shall constitute a separate offense. It shall constitute a

misdemeanor for any licensee to violate any prohibition, established by or under State law, against licensees' selling, or keeping for sale, liquor or wine except in an original unbroken package or container.

"(d) Purpose of this subsection (d). When the original section 3 was adopted in 1965, the State original unbroken package policy was in effect and remained in effect continuously thereafter until the 1979 amendment was drafted. When the 1979 amendment was drafted, said State policy was in effect, but the State officials authorized to establish such State policy had decided to discontinue such policy or were seriously considering the discontinuance of said policy. The discontinuance of the State original unbroken package policy would result in the license tax levied by subsection (c), above, of this section 3 being uncollectible. The purpose of the Legislature in adopting this subsection (d) is to authorize the county governing body to levy the license tax provided for in this subsection (d), when the governing body of the county finds, and declares by resolution the following: that a State officer, or other State authority or agency, named in the resolution, authorized to discontinue the State original unbroken package policy has publicly announced that such policy will be discontinued, and that when the said resolution is adopted it appears that on a date publicly announced by a State officer, authority or agency, which date shall be recited in the resolution, it appears that the State original unbroken package policy will be discontinued.

"Contemporaneously with the adoption of such resolution, or after its adoption, the county governing body shall be authorized to levy the license tax provided for in this subsection (d) on every person engaged in the sale at retail in the county of alcoholic, spirituous, vinous or fermented liquor, except malt or brewed beverages of an alcoholic content not in excess of 4% by weight and 5% by volume, which license tax shall be in lieu of the license tax provided for by subsection (c) of this section 3, above, and in addition to all other taxes and licenses imposed by law. The license tax the county governing body shall be authorized to levy by this subsection (d) is hereby fixed and created in the amount below stated.

"Such license tax shall be in the amount fixed in the ordinance or resolution levying such license tax, which amount shall not be less than 3% or more than 6% of the gross receipts realized by the licensee from distributing, delivering, selling, storing or withdrawing from storage at retail within the county whiskey, gin, brandy, rum, vodka, cocktails and all other alcoholic beverages except malt beverages. The license tax provided for by this subsection (d) is hereinafter called "the gross receipts tax'. The county governing body shall be authorized to repeal the gross receipts tax at any time, or to increase or reduce the amount of the gross receipts tax within the limitations as to amounts the second foregoing sentence prescribes. Any ordinance or resolution of the county governing body repealing the gross receipts tax, or changing the amount thereof, shall state the date whereon the repeal or change shall become effective. The repeal of the gross receipts tax, or a change of the amount thereof, shall not affect the liability of any person for any payment of the gross receipts tax insofar as such liability relates to any transaction occurring before the effective date of the said repeal of the said change.

"In the event the governing body repeals the gross receipts tax, the license tax provided for by subsection (c) above, of this Section 3, shall become effective on the first day of the calendar month next succeeding the date whereon the repeal of the gross receipts tax becomes effective.

"The ordinance or resolution levying the gross receipts tax shall state the date on which said gross receipts tax shall become effective, which date shall be the first day of a calendar month subsequent to the month wherein the said ordinance or resolution is adopted. On and after the date whereon the gross receipts tax becomes effective, the license tax levied by subsection (c), above, shall no longer be in effect, provided, however, that no licensee shall be relieved of his obligation to pay any license tax due by such licensee under said subsection (c) for, or on account of, transactions occurring when the license tax provided for by said subsection (c) was in effect.

"The ordinance or resolution levying the gross receipts tax shall provide that in computing the amount of the gross receipts license tax a licensee is obligated to pay to the county such licensee shall not include any receipts realized by such licensee from the sale, distribution, delivery or storage or removal from storage of any alcoholic beverages on which such licensee paid, or is obligated to pay, the license tax provided for by subsection (c), above. The Director of County Department of Revenue shall adopt rules and regulations designed to assure that no licensee is required to pay the gross receipts tax on, or with respect to, any alcoholic beverages on, or with respect to, which such alcoholic beverages the licensee paid, or is obligated to pay, the license tax provided for by subsection (c), above.

"The gross receipts tax, levied by this subsection (d) shall be due and payable monthly on or before the 15th day of the month next succeeding the month in which the tax accrues. On or before the day on which said tax becomes due and payable each person on whom said tax is imposed shall render to the Director of the County Department of Revenue on a form prescribed by said Director, a true and correct statement showing the gross sales, the gross proceeds of sales, or gross receipts realized by such person from the sale, distribution, delivery, storage or removal from storage at retail in the County of any alcoholic beverages, subject to the gross receipts tax for the then next preceding month, together with such other information as the said Director may require, and at the time of making such monthly report such person shall pay to the Director of the County Department of Revenue the amounts of the tax shown to be due.

"The following provisions of subsection (c), above, of this section 3 shall apply to the gross receipts tax levied by subsection (d) of this section 3: the provisions of that paragraph numbered (2) in subsection (c) imposing a penalty for failure to pay the license tax when due; the provisions of that paragraph numbered (3) in subsection (c) requiring licensees to keep and preserve records; and the provisions of that paragraph numbered (4) in said subsection (c) providing for exemptions."

Section 3. This Act shall become effective on its approval by the Governor or on its otherwise becoming a law.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Little	Proctor	
Bailey	Glass	Martin	St. John	
Barron	Goodwin	McDonald	Smith	
Britnell	Hall	Miller	Taylor	
Clemon	Holmes	Parsons	Vacca	
Cook	Keener	Pearson	White	
Denton	Kirkland			—25
Nays:				—0

And said Bill, H. B. 974, as thus amended by the substitute, was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Little	Proctor	
Bailey	Glass	Martin	St. John	
Barron	Goodwin	McDonald	Smith	
Britnell	Hall	Miller	Taylor	
Clemon	Holmes	Parsons	Vacca	
Cook	Keener	Pearson	White	
Denton	Kirkland			—25

Nays: —0

RESOLUTION

Messrs. Gulledge, Bailey, Barron, Britnell, Callahan, Clemon, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Hall, Harrison, Higginbotham, Holmes, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague, Vacca, Weeks and White offered the following Senate Joint Resolution, to-wit:

S. J. R. 167. HONORING MR. G. HAYWARD FORRESTER, DEPUTY SUPERINTENDENT OF BANKS FOR THE STATE OF ALABAMA.

WHEREAS, Mr. G. Hayward Forrester has announced his retirement as Deputy Superintendent of Banks, following some forty-four years of service with the Alabama Banking Department; and

WHEREAS, Mr. Forrester began his career in public service as an Examiner with the department in 1935; he was appointed Deputy Superintendent of Banks in November 1940, and has prestigiously served in that responsible capacity under sixteen different Superintendents; and

WHEREAS, a native of Houston County, Alabama, and a resident of Montgomery for more than sixty years, Hayward Forrester began work as a young teenager with the Exchange National Bank which later merged with the First National Bank of Montgomery; he remained with First National until 1935 at which time he joined the Alabama Banking Department under Superintendent J. Harry Williams during Governor Bibb Graves' second administration; and

WHEREAS, during 44 years as a dedicated state employee, Mr. Forrester has seen Alabama's Banking industry grow from 149 banks with total resources of 87.7 million to more than 215 banks with resources in excess of 85.5 billion; and

WHEREAS, G. Hayward Forrester has through the years earned the admiration and respect of his fellow workers, the public he serves and of the entire banking industry; he is a man of outstanding ability and integrity whose contributions will be long remembered as outstanding to the progress and advancement of the Alabama Banking Department; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Mr. G. Hayward Forrester on his long and distinguished career with the Alabama

Banking Department; we wish him every future success and direct that he receive a copy of this resolution in token of appreciation and in praise.

On motion of Mr. Gulledge, the Rules were suspended and the Resolution was adopted by the Senate.

LOCAL BILLS ON THIRD READING RESUMED

The Bill:

H. 906. Relating to Madison County; to provide the procedure for filling vacancies in any judgeship of any circuit or district court in the county.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Little	Robertson	
Bailey	Glass	McDonald	Smith	
Barron	Gulledge	Mitchem	Teague	
Britnell	Hall	Parsons	Vacca	
Clemon	Holmes	Pearson	Weeks	
Cook	Keener	Proctor	White	
Denton	Lemaster			—25

Nays: —0

The Bill:

H. 920. To repeal Act No. 736, H. 1861, approved October 6, 1975, Regular Session 1975 (Acts 1975, p. 1501), entitled "An Act Relating to counties having a population of not less than 14,000 nor more than 15,000 inhabitants according to the most recent federal decennial census; to further regulate the taking, capturing or killing of wildlife in said counties; to regulate the gun and bow and arrow hunting of certain fur-bearing animals to the gun hunting deer seasons; to ban the practice of hanging bait over or near traps used for the taking of fur-bearing animals, and to require the marking of traps under certain conditions; and to provide penalties for violation of this act."

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Glass	Little	Smith	
Bailey	Goodwin	Martin	Taylor	
Britnell	Gulledge	Miller	Teague	
Clemon	Hall	Mitchem	Vacca	
Cook	Holmes	Parsons	Weeks	
Denton	Keener	Proctor	White	
Figures	Kirkland			—25

Nays: —0

The Bill:

H. 937. Relative to Class 4 and 5, and 7 and 8 municipalities in this state having a population of not less than 25,000 and not more than 99,999 inhabitants or a population of 11,999 or less inhabitants according to the last or any subsequent Federal decennial census; authorizing each such municipality to acquire properties suitable for use by any commercial enterprise in furnishing hotel services, including food or lodging or both, and the rental of ground floor space or other accommodations to others engaged in any business, trade, profession, occupation or activity; authorizing such municipalities to lease such properties subject to certain specified requirements; authorizing such municipalities to finance the acquisition of such properties by the issuance of revenue bonds payable solely out of the revenues from the leasing of such properties and to secure such bonds by pledges of such revenues and leases and by mortgages on such properties; providing that all such bonds shall be negotiable instruments; authorizing the refunding of any such bonds; providing for remedies in the event of default respecting any bonds issued under the act; exempting from taxation such properties and the revenue from the lease thereof, such bonds and the income therefrom, all mortgages executed as security therefor and all lease agreements made hereunder; prohibiting any such municipality from making contributions to the cost of any such properties and from furnishing land therefor; providing that such bonds and any agreements made in connection therewith shall not constitute an indebtedness of a municipality or a pecuniary liability of any kind; providing that such bonds shall be legal investments for savings banks and insurance companies organized under the laws of this state; providing the purposes for which the proceeds from the sale of such bonds may be used; providing that no notice to or consent or approval by any governmental body or public officer shall be a prerequisite to the issuance of such bonds or the securing thereof.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Glass	Lemaster	Robertson	
Bailey	Goodwin	Little	St. John	
Barron	Gulledge	Martin	Smith	
Britnell	Higginbotham	McDonald	Taylor	
deGraffenried	Holmes	Miller	Teague	
Denton	Keener	Mitchem	Vacca	
Figures	Kirkland			—25

Nays: —0

The Bill:

H. 941. To repeal Act No. 735, H. 1860, approved October 6, 1975, Regular Session 1975 (Acts 1975, p. 1499), entitled "An Act Relating to counties having a population of not less than 16,245 nor more than 16,300 inhabitants according to the most recent federal decennial census; to further regulate the taking, capturing or killing of wildlife in said counties; to regulate the gun and bow and arrow hunting of certain fur-bearing animals to the gun hunting deer seasons; to ban the practice of hanging bait over or near traps used for the taking of fur-bearing animals, and to require the marking of traps under certain conditions; and to provide penalties for violation of this act."

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Glass	Little	Smith	
Bailey	Goodwin	Martin	Taylor	
Britnell	Gulledge	Miller	Teague	
Clemon	Hall	Mitchem	Vacca	
Cook	Holmes	Parsons	Weeks	
Denton	Keener	Proctor	White	
Figures	Kirkland			—25

Nays: —0

The Bill:

H. 1029. Relating to Lamar County; giving the county governing body certain powers in regard to maintaining and constructing roads and rights-of-way leading to churches, schools, cemeteries and private dwellings.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Glass	Martin	Smith	
Bailey	Hall	Miller	Taylor	
Britnell	Holmes	Parsons	Teague	
Clemon	Keener	Pearson	Vacca	
Cook	Kirkland	Proctor	Weeks	
Denton	Lemaster	St. John	White	
Figures	Little			—25

Nays: —0

The Bill:

H. 1034. Relating to Shelby County; to levy and collect special county privilege license and excise taxes paralleling the state sales and use taxes provided for in Chapter 23 of Title 40, Code of Alabama 1975, as amended; providing for the collection and enforcement of such taxes by the state revenue department; providing for the distribution and use of the proceeds; providing penalties for violations of this act; and providing that the terms of this act shall not become effective unless approved by the electors of Shelby County at a referendum election held for such purpose.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Martin	Smith	
Bailey	Glass	Miller	Taylor	
Barron	Hall	Mitchem	Teague	
Britnell	Holmes	Parsons	Vacca	
Callahan	Keener	Proctor	Weeks	
Cook	Kirkland	St. John	White	
Denton	Little			—25

Nays: —0

The Bill:

H. 1044. Relating to Lauderdale County; to provide further for the distribution of the payments made in lieu of ad valorem taxes by the Tennessee Valley Authority as authorized by Section 40-28-2, Code of Alabama 1975.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Lemaster	Smith	
Bailey	Glass	Little	Taylor	
Barron	Goodwin	Martin	Teague	
Britnell	Gulledge	Miller	Vacca	
Callahan	Hall	Parsons	Weeks	
Clemon	Holmes	Proctor	White	
Cook	Keener			—25

Nays: —0

The Bill:

H. 1052. To alter or rearrange the boundary lines of the Town of Level Plains, Dale County, Alabama, so as to include within the corporate limits of said Town all territory now within such corporate limits and also certain other territory contiguous thereto, in Dale County, Alabama.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Lemaster	Pearson	
Bailey	Glass	Little	Proctor	
Britnell	Goodwin	Martin	Smith	
Callahan	Hall	Miller	Taylor	
Clemon	Holmes	Mitchem	Teague	
Cook	Keener	Parsons	Weeks	
Denton	Kirkland			—25

Nays: —0

The Bill:

H. 1053. To alter or rearrange the boundary lines of the Town of Level Plains, Dale County, Alabama, so as to include within the corporate limits of said Town all territory now within such corporate limits and also certain other territory contiguous thereto, in Dale County, Alabama.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Clemon	Figures	Hall
Bailey	Cook	Glass	Holmes
Britnell	Denton	Gulledge	Keener

Kirkland	McDonald	Proctor	Taylor	
Lemaster	Miller	Robertson	Teague	
Little	Parsons	Smith	Weeks	
Martin	Pearson			—25

Nays: —0

The Bill:

H. 1054. Relating to Mobile County; to amend section 2 of Act No. 653, H. 589, approved October 2, 1975 (Acts 1975, p. 1410), pertaining to voter registration and reidentification in certain counties classified on a population basis, so as to change certain procedures for such registration and reidentification.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Glass	McDonald	Smith	
Bailey	Gulledge	Miller	Taylor	
Barron	Holmes	Mitchem	Teague	
Callahan	Keener	Parsons	Vacca	
Cook	Lemaster	Pearson	Weeks	
deGraffenried	Little	Proctor	White	
Figures	Martin			—25

Nays: —0

The Bill:

H. 1056. Relating to Geneva County; to provide an additional expense allowance for the chairman and members of the county commission.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Little	Smith	
Bailey	Glass	Martin	Taylor	
Barron	Hall	Miller	Teague	
Britnell	Holmes	Parsons	Vacca	
Clemon	Keener	Pearson	Weeks	
Cook	Kirkland	Proctor	White	
Denton	Lemaster			—25

Nays: —0

The Bill:

H. 1057. Relating to Cherokee County; authorizing the county commission to levy a special county privilege license and excise tax paralleling the state sales and use taxes provided for in Chapter 23 of Title 40 of the Code of Alabama 1975, as amended; providing for the collection and enforcement of such taxes by the State Department of Revenue; providing for the distribution and use of the proceeds; and providing penalties for violations of this Act.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Martin	Smith	
Bailey	Figures	Miller	Taylor	
Barron	Glass	Parsons	Teague	
Britnell	Hall	Pearson	Vacca	
Callahan	Keener	Proctor	Weeks	
Clemon	Lemaster	Robertson	White	
Cook	Little			—25

Nays: —0

The Bill:

H. 1058. Relating to Lawrence County; to provide for the total rehabilitation of certain persons, both male and female, convicted of any type crime and sentenced to a term of confinement in the Lawrence County Jail, and providing for a rehabilitation Board to supervise and administer the rehabilitation processes of this Act; to provide further for the carrying out of the provisions of this Act and to repeal all laws or parts of laws which conflict with this Act.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Martin	Smith	
Bailey	Glass	Miller	Taylor	
Barron	Hall	Mitchem	Teague	
Britnell	Holmes	Parsons	Vacca	
Clemon	Keener	Pearson	Weeks	
Cook	Kirkland	Proctor	White	
Denton	Little			—25

Nays: —0

The Bill:

H. 882. To amend Section 9-11-190 of the Code of Alabama 1975 relating to the catching of nongame fish from public waters by use of wire baskets so as to specify the mesh size of baskets to be used in public waters of Choctaw County.

was taken up.

On motion of Mr. Robertson, consideration of the Bill, H. B. 882, was indefinitely postponed by the Senate.

The Bill:

H. 1059. Relating to Lawrence County; to provide for the election of the chairman of the county commission; to provide for the election of a temporary acting chairman; to provide that the probate judge shall cease to serve as ex officio chairman of the county commission; and to provide for the compensation of the chairman.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Martin	Smith	
Bailey	Figures	Miller	Taylor	
Barron	Glass	Parsons	Teague	
Britnell	Hall	Pearson	Vacca	
Callahan	Holmes	Proctor	Weeks	
Clemon	Keener	St. John	White	
Cook	Little			—25

Nays: —0

The Bill:

H. 1060. Relating to Lawrence County; providing for the construction, maintenance and repair of public roads, highways, bridges and ferries under the county unit system; authorizing and requiring the county governing body to employ and regulate the compensation of a county engineer; providing for the manner of selecting said engineer; prescribing his qualifications; and requiring bond; defining his authority, powers and duties and those of the county governing body in relation to the roads, bridges and ferries of Lawrence County; and to prohibit the performance of certain work on private property and provide penalties for violations.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Little	Smith	
Bailey	Figures	Martin	Taylor	
Barron	Glass	Miller	Teague	
Britnell	Hall	Parsons	Vacca	
Callahan	Holmes	Pearson	Weeks	
Clemon	Keener	Proctor	White	
Cook	Kirkland			—25

Nays: —0

The Bill:

H. 1061. Relating to Lawrence County; to further provide for the expense allowance and compensation of the members of the county commission.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Little	Smith	
Bailey	Figures	Martin	Taylor	
Barron	Glass	Miller	Teague	
Britnell	Hall	Parsons	Vacca	
Callahan	Holmes	Pearson	Weeks	
Clemon	Keener	Proctor	White	
Cook	Kirkland			—25

Nays: —0

The Bill:

H. 1062. Relating to Geneva County; to give the county commission certain powers and authority in regard to constructing and maintaining roads and driveways leading to schools, churches, church owned cemeteries, and private dwellings.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Lemaster	St. John	
Bailey	Figures	Little	Smith	
Barron	Glass	Martin	Teague	
Britnell	Hall	Miller	Vacca	
Callahan	Holmes	Parsons	Weeks	
Clemon	Keener	Proctor	White	
Cook	Kirkland			—25

Nays: —0

The Bill:

H. 1063. Relating to Talladega County; to promote temperance by regulating the sale of alcoholic beverages; to authorize the Alabama alcoholic beverage control board to permit the handling and sale of table wine, containing not more than 14% alcohol by volume, by its licensees; to define terms, including wine, table wine, fortified wine or vinous liquor, manufacturer, wine wholesaler and wine retailer; to provide for the licensing of wine manufacturers, wine wholesalers and wine retailers by the Alabama alcoholic beverage control board; to impose state filing fees thereon and to levy state license fees on wine wholesalers and retailers; to authorize the levy of county and municipal license fees thereon; to impose an exclusive tax on or measured by the sale of table wine in Talladega County and to provide for the collection, administration and distribution thereof; to prescribe violations and offenses, and to provide for the imposition of fines and the suspension or revocation of licenses.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Little	Proctor	
Bailey	Figures	Martin	St. John	
Barron	Glass	McDonald	Smith	
Britnell	Hall	Miller	Teague	
Callahan	Holmes	Mitchem	Weeks	
Clemon	Kirkland	Parsons	White	
Cook	Lemaster			—25

Nays: —0

The Bill:

H. 1065. Relating to Fayette County; to provide additional clerical help for the Probate Judge, Tax Assessor and Tax Collector and to provide said act shall take retroactive effect.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Glass	Martin	Smith	
Bailey	Goodwin	Miller	Taylor	
Britnell	Hall	Parsons	Teague	
Clemon	Holmes	Pearson	Vacca	
Cook	Keener	Proctor	Weeks	
Denton	Lemaster	St. John	White	
Figures	Little			—25

Nays: —0

The Bill:

H. 1066. Relating to Madison County, authorizing the Madison County Commission to levy and impose by ordinance, for one (1) year, a privilege or license tax upon the sale of spiritous or vinous liquors in Madison County, providing for the collection, distribution and disposition of the proceeds of said tax; prescribing penalties for violations of the Act; and repealing conflicting laws.

was taken up.

On motion of Mr. Smith, consideration of the Bill, H. B. 1066, was indefinitely postponed by the Senate.

The Bill:

H. 1067. To provide for an additional clerk hire allowance for the office of judge of probate of Greene County.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Martin	Smith	
Bailey	Goodwin	Miller	Taylor	
Barron	Hall	Mitchem	Teague	
Britnell	Holmes	Parsons	Vacca	
Clemon	Keener	Pearson	Weeks	
Cook	Kirkland	Robertson	White	
Denton	Little			—25

Nays: —0

The Bill:

H. 1068. To create an Industrial Development Authority for Greene County for the purpose of promoting industry and trade and the development of said county; to provide for the organization, powers, functions, duties and personnel of such Authority and to provide for the payment of the expenses of such Authority.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Martin	Smith	
Bailey	Goodwin	Miller	Taylor	
Barron	Hall	Mitchem	Teague	
Britnell	Harrison	Parsons	Vacca	
Clemon	Holmes	Pearson	Weeks	
Cook	Keener	Robertson	White	
Denton	Little			—25

Nays: —0

The Bill:

H. 827. Relating to Baldwin County; to provide a procedure for handling cases involving invalid personal checks given for licenses, and the voiding of such licenses.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Little	Smith	
Bailey	Figures	Martin	Taylor	
Barron	Glass	McDonald	Teague	
Britnell	Gulledge	Miller	Vacca	
Callahan	Holmes	Parsons	Weeks	
Clemon	Keener	Proctor	White	
Cook	Lemaster			—25

Nays: —0

The Bill:

H. 978. Relating to Baldwin County; to appropriate county money to the civil air patrol, the Daphne Search and Rescue Squad and the Hub City Search and Rescue Squad.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Martin	Smith	
Bailey	Figures	Miller	Taylor	
Barron	Glass	Mitchem	Teague	
Britnell	Gulledge	Parsons	Vacca	
Callahan	Holmes	Pearson	Weeks	
Clemon	Keener	Proctor	White	
Cook	Little			—25

Nays: —0

The Bill:

H. 979. Relating to Baldwin County; to amend Act No. 741, H. 1148, 1978 Regular Session (Acts 1978, p. 1080) entitled "An Act Relating to

Baldwin County; providing for the collection of a filing fee on instruments, documents and papers filed for records in the Probate Judge's office," so as to provide a new expiration date.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Martin	Smith	
Bailey	Glass	Miller	Taylor	
Barron	Gulledge	Mitchem	Teague	
Britnell	Holmes	Parsons	Vacca	
Clemon	Keener	Pearson	Weeks	
Cook	Kirkland	Proctor	White	
Denton	Little			—25

Nays: —0

The Bill:

H. 982. Relating to Baldwin County; to authorize the county commission to establish a county personnel system, as recommended by the U. S. Civil Service Commission.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Martin	Smith	
Bailey	Glass	McDonald	Taylor	
Barron	Gulledge	Miller	Teague	
Britnell	Holmes	Mitchem	Vacca	
Callahan	Keener	Parsons	Weeks	
Cook	Kirkland	Proctor	White	
Denton	Little			—25

Nays: —0

The Bill:

H. 883. Relating to Montgomery County; to amend Act 401, H. 935, 1957 Regular Session (Acts 1957, p. 568) as last amended, which relates to the county road engineer, so as to regulate his right to participate in other businesses.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Glass	Little	Pearson	
Barron	Gulledge	Martin	Proctor	
Callahan	Harrison	McDonald	Taylor	
Clemon	Holmes	Miller	Vacca	
Cook	Keener	Mitchem	Weeks	
Denton	Kirkland	Parsons	White	
Figures	Lemaster			—25

Nays: —0

The Bill:

H. 825. To provide for the establishing of a Solicitor's and District Attorney's Fund in the seventeenth judicial circuit; to provide that all solicitor's and district attorney's fees taxed as costs and collected in all criminal cases in all courts in said circuit shall be paid by the clerks of said courts into the Solicitor's and District Attorney's Fund; and to authorize certain expenditures from said fund.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Martin	Smith	
Bailey	Goodwin	Miller	Taylor	
Barron	Hall	Mitchem	Teague	
Britnell	Holmes	Parsons	Vacca	
Clemon	Keener	Pearson	Weeks	
Cook	Kirkland	Robertson	White	
Denton	Little			—25

Nays: —0

The Bill:

H. 826. To provide for an expense allowance for the judge of the 17th judicial circuit to be paid by the counties comprising the circuit.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Little	Smith	
Bailey	Figures	Martin	Taylor	
Barron	Goodwin	Miller	Teague	
Britnell	Hall	Parsons	Vacca	
Callahan	Holmes	Pearson	Weeks	
Clemon	Keener	Robertson	White	
Cook	Kirkland			—25

Nays: —0

The Bill:

H. 888. Relating to Choctaw County; to provide for certain annual increases in the salaries of the members of the county commission during the next four fiscal years and to provide certain expense allowances for such members with such increases and allowances payable from the county general fund.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Britnell	Cook	Glass
Bailey	Callahan	Denton	Hall
Barron	Clemon	Figures	Holmes

Keener	Miller	Smith	Vacca	
Lemaster	Parsons	Taylor	Weeks	
Little	Pearson	Teague	White	
Martin	Robertson			—25

Nays: —0

The Bill:

H. 909. To repeal Act No. 669, H. 1382, Regular Session 1975 (Acts 1975, p. 1425), entitled, "An Act Relating to counties having a population not less than 115,000 nor greater than 150,000, according to the latest federal decennial census; providing that the sheriff in such counties shall receive $350 per month expense allowance, to become salary at the end of the present incumbent's term of office."

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Little	Smith	
Bailey	Glass	Martin	Taylor	
Barron	Hall	Miller	Teague	
Britnell	Holmes	Parsons	Vacca	
Callahan	Keener	Pearson	Weeks	
Cook	Kirkland	Robertson	White	
deGraffenried	Lemaster			—25

Nays: —0

The Bill:

H. 910. Relating to Tuscaloosa County; providing that the sheriff of said county shall receive an additional $400 per month expense allowance, to become salary at the end of the present incumbent's term of office.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Little	Smith	
Bailey	Glass	Martin	Taylor	
Barron	Hall	Miller	Teague	
Britnell	Holmes	Parsons	Vacca	
Callahan	Keener	Pearson	Weeks	
Cook	Kirkland	Robertson	White	
deGraffenried	Lemaster			—25

Nays: —0

The Bill:

H. 964. Relating to Pickens County; giving the County Commission certain powers in regard to maintaining roads and driveways leading to residences on private property, to churches and to cemeteries.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Little	Smith	
Bailey	Glass	Martin	Taylor	
Barron	Goodwin	Miller	Teague	
Britnell	Gulledge	Parsons	Vacca	
Clemon	Hall	Pearson	Weeks	
Cook	Holmes	Robertson	White	
Denton	Keener			—25

Nays: —0

The Bill:

H. 1041. Relating to Sumter County; providing for the use of electronic voting systems in elections; providing the requirements for these systems; providing those procedures to be used in connection with elections in which these systems are used, including additional procedures for dividing precincts and designating voting places therein; providing election officers for such polling places and prescribing duties and compensation of such election officials.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Goodwin	McDonald	Smith	
Bailey	Hall	Miller	Taylor	
Barron	Holmes	Mitchem	Teague	
Clemon	Keener	Parsons	Vacca	
Cook	Lemaster	Pearson	Weeks	
Denton	Little	Robertson	White	
Figures	Martin			—25

Nays: —0

The Bill:

H. 1035. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Pennington, in Choctaw County.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Little	Smith	
Bailey	Figures	Martin	Taylor	
Barron	Glass	Miller	Teague	
Britnell	Hall	Parsons	Vacca	
Callahan	Holmes	Pearson	Weeks	
Clemon	Keener	Robertson	White	
Cook	Kirkland			—25

Nays: —0

The Bill:

H. 1042. Relating to law enforcement in Sumter County; to amend Act No. 2464, H. 2846, 1971 Regular Session, (Acts 1971, p. 3929), so as to fix the fee for issuance of pistol permits; to provide for the disposition of such fees; to provide that the provisions of this Act shall be severable; and to repeal all laws or parts of laws in conflict with this Act.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Martin	Smith	
Bailey	Figures	Miller	Taylor	
Barron	Goodwin	Mitchem	Teague	
Britnell	Hall	Parsons	Vacca	
Callahan	Holmes	Pearson	Weeks	
Clemon	Keener	Robertson	White	
Cook	Little			—25

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 446. To amend Sections 36-32-1, 36-32-5 and 36-32-7 of the Code of Alabama 1975, relating to the fire fighters' personnel standards and education commission, so as to provide for the inclusion of fire-fighting districts in the classification of fire-fighting agency; to include paid employees of fire-fighting agencies classified as rescue unit personnel and paramedics as well as fire inspectors and investigators in the classification of fire-fighting personnel; to provide for certain exemptions relating to employment; to further prescribe standards for fire-fighting personnel; and to provide for testing and certification of fire-fighting personnel, both paid and volunteer, by the commission.

Also:

H. 567. To amend § 28-3-112, Code of Alabama 1975, so that the 3% tax levied therein on manufacturers, distillers, producers or distributors of liquors doing business with the Alabama Alcoholic Beverage Control Board is repealed and to amend § 28-3-114, Code of Alabama 1975, to repeal the distribution of the proceeds of the said 3% tax and to make provisions for the distribution of filing fees and to increase said fees to $500.00.

Also:

H. 987. To amend Section 16-13-144, Code of Alabama 1975 relating to penalties incurred by local boards of education who exceed their budget, so as to exempt said boards during years education money is prorated.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 264. To amend Alabama Code 1975, Section 5-5-1, so as to provide that where an emergency exists which might cause closing and liquidating, the Superintendent of Banks may waive the three-week publication requirement in order to permit formation of a new state bank insured by Federal Deposit Insurance Corporation which is participating in a purchase and assumption or other transaction under federal banking laws, such publication to occur after the new bank commences business; and to eliminate the requirement of the publication of the list of stockholders.

Also:

H. 453. To amend further Section 9-17-12, Code of Ala. 1975, so as to allow spacing in the case of irregular sections which exceed 640 acres and so as to allow the Board to designate drilling or production units of up to 160 acres or one governmental quarter section in the case of oil and 640 acres or one governmental section in the case of gas plus 10 percent tolerance so as to allow for irregular sections and to exceed these limitations, after notice and hearing, when it is affirmatively demonstrated that one well can drain the proposed unit and that a larger unit is justified because of technical, economic, environmental, or safety considerations, or other reasons deemed valid by the Board, and to further allow the Board, after notice and hearing, to establish units in oil and gas pools not to exceed 30 percent greater than 160 acres or one governmental quarter section in the case of oil and 640 acres or one governmental section in the case of gas, provided such action is justified by sufficient technical data indicating that such acreage or lands in excess of the aforesaid limitations is being drained or is in imminent danger of being drained and that the owners of interests in such said excess acreage or land cannot otherwise receive their just and equitable share of production from the pool, providing for the payment or recoupment of drilling and production costs; and excluding any spacing limitation with regard to offshore wells, except as may be established by said Board.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

SPECIAL ORDER
BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

H. 1045. To amend Sections 40-28-1 through 40-28-3, Code of Alabama 1975, which provide for the distribution of in-lieu-of-taxes payments by the Tennessee Valley Authority to counties served by the Tennessee Valley Authority and to dry counties not served by the Tennessee Valley Authority, so as to provide further for said distribution.

And said Bill, H. B. 1045, was read a third time at length and passed.

Yeas 23; Nays 0.

Yeas:

Messrs.:	Hall	Little	Robertson
Barron	Harrison	Martin	St. John
Britnell	Higginbotham	Miller	Smith
Cook	Holmes	Mitchem	Taylor
deGraffenried	Keener	Pearson	Teague
Denton	Lemaster	Proctor	Vacca

—23

Nays: —0

Mr. Smith moved that the Senate reconsider the vote by which the Bill, H. B. 1045, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

The Bill:

H. 55. To amend Section 40-17-31, Code of Alabama 1975, which relates to the excise tax on gasoline, so as to increase the minimum amount of annually accumulated excise tax proceeds on aviation fuel, upon which the commissioner of revenue grants a percentage tax reduction.

was read a third time at length and passed.

Yeas 23; Nays 2.

Yeas:

Messrs.:	Hall	Martin	St. John
deGraffenried	Holmes	McDonald	Smith
Denton	Keener	Miller	Taylor
Figures	Kirkland	Mitchem	Vacca
Glass	Lemaster	Pearson	Weeks
Goodwin	Little	Proctor	White

—23

Nays: Messrs.: Barron, Robertson. —2

RESOLUTIONS

Mr. Gulledge offered the following Senate Resolution, to-wit:

S. R. 168. MOURNING THE DEATH OF J. D. "JOSH" SELLARS.

Which was adopted.

Messrs. Goodwin and Vacca offered the following Senate Joint Resolution, to-wit:

S. J. R. 169. COMMENDING JAMES CURTIS HAMBRIGHT ON HIS OUTSTANDING BOXING CAREER.

WHEREAS, native Alabamian, James Curtis Hambright, better known as Battling Bozo, has enjoyed an outstandingly notable career as a boxer and is one of the most colorful athletes Alabama has ever produced; and

WHEREAS, in his prime, which was approximately a half century ago, Battling Bozo was the number three light-heavyweight boxer of the world and twice fought and held to draws the light-heavyweight champion, Maxie Rosenbloom; and

WHEREAS, regrettably, James Curtis Hambright's illustrious career was cut short by blindness, not before, however, performing brilliantly as did such greats as Joe Louis, Petey Sarron and George Wallace in a sport that has provided Alabama with two world champions and a Golden Gloves Champion; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Mr. James Curtis Hambright on his outstanding career as a boxer, and we further unanimously voice our appreciation of his pugilistic prowess.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. Hambright in token of our praise and as evidence of the high esteem in which this body holds Battling Bozo of worldwide fame, one of the all-time great sports figures in the State of Alabama.

On motion of Mr. Goodwin, the Rules were suspended and the Resolution was adopted by the Senate.

BILLS ON THIRD READING RESUMED

The Bill:

H. 926. Authorizing the county commission, or like governing body, of any county to borrow the necessary funds to operate the said county in the event the tax collector is unable to collect taxes; providing when such loans may be made, for the issuance of certificates covering such loans and for the pledge of uncollected taxes to pay such loans; prescribing the maximum interest rates applicable to such loans and the dates on which such loans would be payable; limiting the use of the proceeds of such loans; providing for the registration, payment, cancellation and exemption from taxation of such certificates; requiring each such county to comply with the debt limitation of Amendment 342 to the Constitution of 1901, as amended; and repealing conflicting laws.

was read a third time at length and passed.

Yeas 20; Nays 0.

Yeas:

Messrs.:	Holmes	Martin	St. John	
Bailey	Keener	McDonald	Smith	
Clemon	Kirkland	Miller	Taylor	
Denton	Lemaster	Pearson	Vacca	
Hall	Little	Proctor	White	
Harrison				—20
Nays:				—0

The Bill:

H. 483. To provide further for the compensation of circuit judges.

was taken up.

Mr. McDonald offered the following amendment to the Bill, H. B. 483, to-wit:

AMENDMENT TO H. B. 483

Amend House Bill 483, line 29 by adding the following sections;

Section 4. Any salary supplement received by any circuit judge or district attorney which now exceeds $11,000, or because of the passage of this bill will exceed such sum, is hereby reduced to the sum of $11,000.

Section 5. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Renumber remaining section accordingly.

Also, on page 1, line 17 by inserting after the word "judges" the following:

and district attorneys

Which was adopted.

Yeas 25; Nays 3.

Yeas:

Messrs.:	Hall	Martin	St. John	
Callahan	Higginbotham	McDonald	Smith	
deGraffenried	Holmes	Miller	Taylor	
Denton	Keener	Mitchem	Vacca	
Figures	Kirkland	Proctor	Weeks	
Goodwin	Lemaster	Robertson	White	
Gulledge	Little			—25

Nays: Messrs.: Barron, Harrison, Parsons. —3

And said Bill, H. B. 483, as thus amended, was read a third time at length and passed.

Yeas 25; Nays 4.

Yeas:

Messrs.:	Gulledge	Little	Pearson	
Callahan	Hall	Martin	Proctor	
Cook	Harrison	McDonald	St. John	
deGraffenried	Higginbotham	Miller	Taylor	
Denton	Keener	Mitchem	Vacca	
Figures	Kirkland	Parsons	White	
Goodwin	Lemaster			—25

Nays: Messrs.: Barron, Holmes, Robertson, Smith. —4

Mr. Kirkland moved that the Senate reconsider the vote by which the Bill, H. B. 483, as amended, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill:

H. 953. To provide for a cost-of-living increase for all state employees and officials, including certain judges under certain circumstances, and other elected officials; to provide for revision of pay rates by the State Personnel Director and by the Administrative Director of Courts; to provide for the conditions prior to the granting of the conditional cost-of-living increase hereby authorized; to otherwise provide for and identify the funds from which said cost-of-living increase shall be paid and to appropriate such additional funds as may be necessary to pay such increase, subject to the condition of the state treasury and/or the availability of monies otherwise appropriated for any purpose during the fiscal year ending September 30, 1980.

said Conference Report being in words and figures as follows:

REPORT OF CONFERENCE COMMITTEE
ON HOUSE BILL 953

We, the Committee on Conference appointed to reconcile the differences between the two Houses on House Bill 953 have met and agreed on a bill. A copy of the bill as agreed upon by the Conference Committee is attached hereto.

REP. WALTER OWENS,

REP. ROBERT C. GAFFORD,

REP. TOMMY CARTER,

SENATOR J. RICHMOND PEARSON,

SENATOR FINIS E. ST. JOHN, III,

SENATOR BILL G. SMITH,

CONFERENCE COMMITTEE SUBSTITUTE FOR HOUSE BILL 953

A BILL
TO BE ENTITLED
AN ACT

To provide for a cost-of-living increase for all state employees and officials, including certain judges under certain circumstances, and certain other officials; to provide for revision of pay rates by the State Personnel Director and by the Administrative Director of Courts; to provide for the conditions prior to the granting of the conditional cost-of-living increase hereby authorized; to otherwise provide for and identify the funds from which said cost-of-living increase shall be paid and to appropriate such additional funds as may be necessary to pay such increase, subject to the condition of the state treasury and/or the availability of monies otherwise appropriated for any purpose during the fiscal year ending September 30, 1980.

Be It Enacted by the Legislature of Alabama:

Section 1. Beginning on October 1, 1979, and payable in a lump sum quarterly, all state employees who are listed in the classified and unclassified service of the state as defined in the Code of Alabama 1975, Section 36-26-10, and all other state employees and all hourly employees of the state, except those set out in Section 2 herein, and all legislative personnel, officers, and employees, including but not limited to Legislative Reference Service personnel, whether subject to the state merit system or not, and all circuit clerks and registers, and all other elected officials of the judicial branch of government and all employees of the County Health Departments who are employed subject to the State Merit System and whose compensation is paid out of a budget provided and agreed upon by the state, county, or other contributing agency under the direction of the State Board of Health and all state judges, except as provided in Section 2, shall receive a conditional cost-of-living increase in their salaries or compensation up to 7% conditional as provided herein. The amount of the conditional appropriation shall be determined during any quarter of the fiscal year conditional upon the condition of the state treasury upon the State Budget Officer's determination that funds otherwise appropriated and/or any additional monies in the state treasury are available to pay such conditional increase. The amount of such cost-of-living increase up to 7% shall be determined by the State Budget Officer on the basis of the percent of increase which can be paid and supported by the monies otherwise appropriated to and among the same departments, boards, bureaus, commissions, agencies, offices, or institutions for fiscal year 1979-80 and/or the condition of the state treasury as provided in this Act; and it is the intention of the Legislature that the Governor be, and he is hereby authorized to, transfer such amounts to, from, and between such departments, boards, bureaus, commissions, agencies, offices, and institutions under his direct control for the purpose of paying the cost-of-living increase for state employees and officials; any cost -of-living increase granted under the provisions of this act shall in no way apply to any local supplement provided to any judges or any other employees of this state.

Section 2. The provisions of this Act shall not apply to any merit system employee or hourly employee whose service or rates of pay are covered by any labor agreement or contract, nor shall this Act apply to state judges whose salaries are payable from the State Treasury if such judges' salaries are increased under and by virtue of: (1) the recommendations contained in the Report of the Judicial Compensation Commission to the 1979 Regular Session of the Legislature becoming law; or (2) the enactment into law of legislation altering and amending said Report, or (3) any other legislation enacted into law during the 1979 Regular Session of the Legislature; nor shall this Act apply to any person who, for any quarter in which said person, was not employed for the entire quarter.

Section 3. The State Budget Officer shall determine the amounts necessary to pay appropriations for each quarter of the fiscal year ending September 30, 1980, from the funds from which salaries are paid and from the general fund. In the event revenues accrue to the funds from which salaries are paid and to the state general fund for each of the four quarters of the fiscal year in amounts beyond those funds necessary to pay the above mentioned appropriations, the State Budget Officer shall certify those additional funds, if any, as being available for the conditional salary increases provided by this Act.

Section 4. The State Budget Officer shall allot funds available under the provisions of this Act under similar procedures as provided in Article 4, Chapter 4, Title 41, of the Code of Alabama 1975, for the purposes of paying the conditional cost-of-living salary increases provided by this Act.

Section 5. Upon allotment by the State Budget Officer, the State Treasurer shall issue a warrant in the amount determined to be available for each quarter for the conditional cost-of-living salary increases provided by this Act.

Section 6. In the event the entitlement for one quarter is not available in any quarter, such deficit shall be made in subsequent quarters as funds are available.

Section 7. The State Personnel Director shall revise the schedule of rates for all employees and officials hereby affected regardless of whether subject to the State Merit System, to reflect the increase herein provided. The State Personnel Board shall certify to the State Comptroller the new rates of pay regardless of whether subject to the merit system, that each classification, employee or official is entitled to receive, and the Comptroller shall issue warrants in accordance therewith. With respect to court officials and employees within the Unified Judicial System who serve the trial courts of the state and the Administrative Office of Courts, the Administrative Director of Courts shall revise the salaries and schedule of rates set forth in the pay plan for such court officials and employees to reflect the increase herein provided, and shall certify the same to the State Comptroller who shall issue warrants in accordance therewith. Anything herein to the contrary notwithstanding, such revisions shall be made only once at the end of the Fiscal Year, that is on September 30, 1980, and shall reflect the actual total annual increase in rates of pay, resulting from the conditional quarterly payments.

Section 8. There is hereby appropriated, for the Fiscal Year beginning October 1, 1979, and ending September 30, 1980, from the funds from which the salaries of the several state employees and officials are paid, or if there is not sufficient money in such funds, then from the General Fund, such additional sums as may be necessary to pay the cost-of-living increase herein provided for such state employees and officials as are subject to the provisions of this Act. This appropriation is conditional on the availability of funds.

Section 9. No state employee or other person covered under the provisions of this Act shall receive a cost-of-living increase under the provisions of the Act out of any funds in the state treasury or otherwise unless the cost-of-living increase is granted to all state employees or persons covered under the provisions of this Act equally and sufficient funds are certified as being available on an equal basis by the Governor for all state employees or other persons covered under the provisions of this Act.

Section 10. In the event any section, sentence, clause, or portion of this Act should be declared invalid by any court of competent jurisdiction, such invalidity shall not affect the validity of any of the remaining sections, sentences, clauses, or portions of this Act, which shall continue effective.

Section 11. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 12. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And said bill as thus amended by the Report of the Committee on Conference was again read and passed.

And said bill, together with the Report of the Committee on Conference, is herewith returned to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE AND CONFERENCE MESSAGE

On motion of Mr. Pearson, the Senate concurred in and adopted the Report of the Committee on Conference appointed to reconcile the disagreement of the two Houses on the Senate amendment to the Bill, H. B. 953, the title of which and said Conference Report are set out in the foregoing Message from the House.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Gulledge	Lemaster	Proctor	
Bailey	Hall	Little	Robertson	
Barron	Harrison	Martin	St. John	
Britnell	Holmes	Miller	Smith	
Clemon	Keener	Mitchem	Taylor	
deGraffenried	Kirkland	Parsons	White	
Denton				—24

Nays: —0

RESOLUTIONS

Mr. Kirkland offered the following Senate Resolution, to-wit:

S. R. 170. COMMENDING WARDEN JOE OLIVER AND JAMES T. SANBORN, RECREATIONAL DIRECTOR, OF HOLMAN MAXIMUM SECURITY UNIT FOR THEIR ENCOURAGEMENT, SUPPORT AND PREPARATORY TRAINING OF INMATES PLACING IN THE NCRA PRISON OLYMPIC POSTAL WEIGHTLIFTING MEET HELD IN CLEVELAND, OHIO.

Which was adopted.

Mr. Miller offered the following Senate Resolution, to-wit:

S. R. 171. COMMENDING THE ENTERPRISE HIGH SCHOOL VICA CLUB.

Which was adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, and House Joint Resolutions, your signature thereto is requested.

H. 377. To amend Section 11-50-313 of the Code of Alabama 1975, relating to boards of directors of public corporations created by municipalities for the purpose of owning, operating, and financing water, sewer, gas, and electric systems, so as to further provide for payment of compensation to the chairman and other members of the board of any such public corporation created in any city located in Jefferson County.

Also:

H. 717. Relating to Lee County; providing for the payment of an additional expense allowance to the chairman and members of the county commission or like governing body of Lee County.

Also:

H. 782. Relating to Blount County; to provide an additional expense allowance of $100.00 per month for the members of the county board of education.

Also:

H. 928. Relating to the eleventh judicial circuit; providing for a county salary supplement for the circuit judges and the presiding district judge of the eleventh judicial circuit, and to provide the means and manner for the payment of same.

Also:

H. 1003. To amend Section 4.04 of Act No. 452, Regular Session of the Legislature of Alabama of 1955, approved September 9, 1955 (Acts of 1955, Page 1004), as amended, providing a Mayor-Council form of government for cities having a population of 300,000 inhabitants or more according to the last or any subsequent Federal Census, to provide the method for determining the annual salary to be paid to the Mayor of such City.

Also:

H. J. R. 319. COMMENDING THE KNIGHTS OF COLUMBUS FOR THEIR EFFORTS ON BEHALF OF ALABAMA'S MENTALLY RETARDED CITIZENS AND DESIGNATING OCTOBER 12, 13 and 14, 1979 as "KNIGHTS OF COLUMBUS TOOTSIE ROLL DRIVE DAYS" IN ALABAMA.

Also:

H. J. R. 320. COMMENDING GENERAL TAYLOR HARDIN UPON HIS RETIREMENT AS COMMISSIONER OF THE ALABAMA DEPARTMENT OF MENTAL HEALTH.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills and House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 3. To amend Section 37-1-3, Code of Alabama 1975, so as to provide that the members of the Public Service Commission shall take office the day after the general election at which they were elected.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, and House Joint Resolution, your signature thereto is requested.

H. 753. To provide for two clerks in the office of the tax assessor of Bullock County, Alabama; and to fix the method and basis of their employment and compensation.

Also:

H. J. R. 315. Establishing Joint Interim Committee on Electricity.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thrids vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bill and House Joint Resolution, the titles of which are set out in the foregoing Message from the House.

BILLS ON THIRD READING RESUMED

The Bill:

H. 540. Divesting the State Highway Department of certain county functions and duties in relation to roads and bridges in "captive" counties, heretofore transferred to it, and revesting such functions in the county governing bodies of the captive counties; providing for the transfer of certain funds, equipment, property and material from the State Highway Department to the county governing bodies.

was taken up.

The Standing Committee on Finance and Taxation reported the following amendment to the Bill, H. B. 540, to-wit:

COMMITTEE AMENDMENT TO H. B. 540

Amend H. B. 540 by striking Section 4 entirely on page 2, lines 26 through 35 and lines 5 through 10 of page 3 and insert in lieu thereof the following new section:

Section 4. The State Highway Department shall transfer and turn over to the governing body of each of the respective captive counties, physical facilities, road equipment, machinery, and supplies sufficient to build, construct, repair and maintain the county roads and bridges in each of the

respective captive counties. The determination of "sufficient" shall be made by the Highway Director or his agent, and the Chairman of the county governing body of the respective captive county or his agent. Any dispute which may arise as a result of this section shall be resolved by the majority of the members of a committee consisting of the Highway Director or his agent, the Chairman of the county governing body of the respective captive county or his agent, and one member mutually agreed upon by the Highway Director and Chairman of the county governing body of the respective captive county.

Strike Section 10 entirely on page 4, lines 18 through 20 and insert in lieu thereof the following new section:

Section 10. This act after its passage and approval by the Governor, or upon its otherwise becoming State Law shall become effective October 1, 1979, or October 1, 1980, or October 1, 1981, at the discretion of the individual county commissions.

On motion of Mr. St. John, said amendment was laid on the table.

On motion of Mr. Keener, further consideration of the Bill, H. B. 540, was postponed temporarily.

The Bill:

H. 791. To amend Section 36-27-21.1, Code of Alabama 1975, which provides a cost-of-living increase to certain retired persons so as to allow counties and municipalities to elect to come under the provisions of the plan at the beginning of any fiscal year.

was read a third time at length and passed.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Harrison	McDonald	St. John	
Bailey	Holmes	Miller	Smith	
Barron	Keener	Mitchem	Taylor	
Cook	Lemaster	Parsons	Weeks	
Denton	Little	Proctor	White	
Hall	Martin			—21

Nays: —0

Mr. Harrison moved that the Senate reconsider the vote by which the Bill, H. B. 791, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

The Bill:

H. 860. To provide additional revenue in Barbour County; levying in Barbour County special county privilege license and excise taxes paralleling, at lower rates, state sales and use taxes as provided for in Chapter 23 of Title 40 of the Code of Alabama 1975; providing for the ascertainment, collection, payment, distribution and use of the proceeds of such license tax, and for the enforcement of the act by the state department of revenue; prescribing penalties and fixing punishment for violations of the act; and to provide for a referendum.

was taken up.

Mr. Weeks offered the following substitute for the Bill, H. B. 860, to-wit:

SUBSTITUTE FOR H. B. 860

A BILL
TO BE ENTITLED
AN ACT

To provide additional revenue in Barbour County; levying in that part of Barbour County outside the corporate limits of the city of Eufaula special county privilege license and excise taxes paralleling, at lower rates, state sales and use taxes as provided for in Chapter 23 of Title 40 of the Code of Alabama 1975; providing for the ascertainment, collection, payment, distribution and use of the proceeds of such license tax, and for the enforcement of the act by the state department of revenue; and prescribing penalties and fixing punishment for violations of the act; and to provide a referendum election.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby levied in that part of Barbour County outside the corporate limits of the city of Eufaula in addition to all other taxes now imposed by law special county privilege license and excise taxes paralleling state sales and use taxes. Said tax shall be levied in the manner and at the rates hereafter prescribed:

(1) Upon every person, firm, or corporation engaged or continuing within that part of Barbour County outside the police jurisdictions of the city of Eufaula in the business of selling at retail any tangible personal property whatsoever, including merchandise and commodities of every kind and character (not including, however, bonds or other evidence of debt or stocks, nor sale or sales of material and supplies to any person for use in fulfilling a contract for the painting, repair, or reconditioning of vessels, barges, ships and other watercraft of over fifty tons burden), an amount equal to two percent of the gross proceeds of sales of the business except where a different amount is expressly provided herein. Provided, however, that any person engaging or continuing a business as a retailer and wholesaler or jobber shall pay the tax required on the gross proceeds of retail sales of such businesses at the rates specified, when his books are kept so as to show separately the gross proceeds of sales of each business, and when his books are not so kept he shall pay the tax as retailer, on the gross sales of the business.

(2) Upon every person, firm, or corporation engaged or continuing within that part of Barbour County outside the police jurisdictions of the city of Eufaula in the business of conducting or operating places of amusement or entertainment, billiard and pool rooms, bowling alleys, amusement devices, theatres, opera houses, moving picture shows, vaudevilles, amusement parks, athletic contests, including wrestling matches, prize fights, boxing and wrestling exhibitions, football and baseball games (including athletic contests conducted by or under the auspices of any educational institution within such part of Barbour County, or any athletic association thereof, or other association whether such institution or association be denominational, a state, county, or a municipal institution or association or a state, a county or a city school, or other institution, association, or school), skating rinks, race tracks, golf courses or any other place at which any exhibition, display, amusement, or entertainment is offered to the public or place or places where an admission fee is charged, including public bathing places, public dance halls of every kind and description, conducted or carried on within such part of Barbour County, an amount equal to two percent of the gross receipts of any such business.

(3) Upon every person, firm, or corporation engaged or continuing within that part of Barbour County outside the police jurisdictions of the city of Eufaula in the business of selling at retail machines or machinery used in mining, quarrying, compounding, processing and manufacturing of tangible personal property an amount equal to three-fourths of one percent of the gross proceeds of the sale of such machines; provided, that the term "machines," as herein used, shall include machinery which is used for mining, quarrying, compounding, processing or manufacturing tangible personal property, and the parts of such machines, attachments and replacements therefor, which are made or manufactured for use on or in the operation of such machines and which are necessary to the operation of such machines and are customarily so used.

(4) Upon every person, firm, or corporation engaged or continuing within that part of Barbour County outside the police jurisdictions of the city of Eufaula in the business of selling at retail any automotive vehicle or truck trailer, semi-trailer, or house trailer an amount equal to three-fourths of one percent of the gross proceeds of the sale of said automotive vehicle or truck trailer, semi-trailer or house trailer, provided, however, where a person subject to the tax provided for in this subsection withdraws from his stock in trade any automotive vehicle or truck trailer, semi-trailer or house trailer for use by him or by his employee or agent in the operation of such business, there shall be paid, in lieu of the tax levied herein a fee of two dollars and fifty cents per year or part thereof during which such automotive vehicle, truck trailer, semi-trailer or house trailer shall remain the property of such person. Each such year or part thereof shall begin with the day or anniversary date, as the case may be of such withdrawal, and shall run for the twelve succeeding months or part thereof during which such automotive vehicle, truck trailer, semi-trailer or house trailer shall remain the property of such person.

Where any used automotive vehicle or truck trailer, semi-trailer or house trailer is taken in trade, or in a series of trades, as a credit or part payment on the sale of a new or used vehicle, the tax levied herein shall be paid on the net difference, that is, the price of the new or used vehicle sold less a credit for the used vehicle taken in trade.

(5) An excise tax is hereby imposed on—

a. The storage, use, or other consumption in that part of Barbour County outside the police jurisdictions of the city of Eufaula of tangible personal property (not including, however, materials and supplies bought for use in fulfilling a contract for the painting, repairing or reconditioning of vessels, barges, ships and other watercraft of more than fifty tons burden) purchased at retail, for storage, use or other consumption in such part of Barbour County, at the rate of two percent of the sale price of such property, except as provided in subsections (b) and (c).

b. The storage, use, or other consumption in that part of Barbour County outside the police jurisdictions of the city of Eufaula of any machines used in mining, quarrying, compounding, processing and manufacturing of tangible personal property purchased at retail at the rate of three-fourths of one percent of the sales price of such machine; provided, that the term "machine" as herein used, shall include machinery which is used for mining, quarrying, compounding, processing, or manufacturing tangible personal property, and the parts of such machines, attachments and replacements therefor, which are made or manufactured for use on or in the operation of such machines and which are necessary to the operation of such machines and are customarily so used.

c. The storage, use, or other consumption in that part of Barbour County outside the police jurisdictions of the city of Eufaula of any automotive vehicle or truck trailer, semi-trailer or house trailer purchased at retail for storage, use or other consumption in such part of Barbour County, at the rate of three-fourths of one percent of the sales price of such automotive vehicle, truck trailer, semi-trailer or house trailer. Where any used automotive vehicle or truck trailer, semi-trailer or house trailer is taken in trade, or in a series of trades, as a credit or part payment on the sale of a new or used vehicle, the tax levied shall be paid on the net difference, that is, the price of the new or used vehicle sold less a credit for the used vehicle taken in trade.

Section 2. There are exempted from the levy of such taxes the gross receipts of any business and the gross proceeds of all sales which are exempted under the state sales tax statutes from the computation of the amount of the state sales tax. And there is also exempted from the levy the storage, use, or other consumption of property, the storage, use, or other consumption of which is exempted under the state use tax statutes from the state use tax. Subject to these exemptions, every person storing or using or otherwise consuming in that part of Barbour County outside the corporate limits of the city of Eufaula tangible personal property purchased at retail shall be liable for the tax imposed, and the liability shall not be extinguished until the tax has been paid by such person; provided, however, that a receipt from a registered seller given to the purchaser of any property to be used, stored, or consumed in such part of Barbour County shall be sufficient to relieve the purchaser from further liability for the tax to which such receipt may refer. The term "registered seller" means the person registered with the state department of revenue pursuant to the state sales tax statutes. The term "state sales tax statutes" means Chapter 23 of Title 40 of the Code of Alabama 1975, which levies a retail sales tax for state purposes and includes all statutes, which expressly set forth any exemptions from the computations of the tax levied in said Chapter, and all other statutes which expressly apply to, or purport to affect, the administration of said Chapter and the incidence and collection of the tax imposed therein. The term "state use tax statutes" means Chapter 23 of Title 40 of the Code of Alabama 1975, including all statutes enacted which expressly set forth any exemptions from the computation of the tax levied in said Chapter and all other statutes which expressly apply to, or purport to affect, the administration of the said Chapter and the incidence and collection of the tax imposed therein.

Section 3. The sales tax levied in Section 1 shall be due and payable in monthly installments on or before the 20th day of the month next succeeding the month in which the tax accrued; the use tax levied pursuant to Section 1 shall be due and payable quarterly on or before the 20th day of the month next succeeding each quarterly period during which the storage, use, or other consumption, of the tangible personal property became taxable, each such quarterly period to end on the last day of each of the months of March, June, September, and December. All taxes levied pursuant to this act shall be paid to and collected by the state department of revenue at the same time and along with the collection of the state sales tax and the state use tax. On or prior to the due dates of the taxes levied each person subject to such taxes shall file with the state department of revenue a report or return in such form as may be prescribed by the department, setting forth with respect to all sales and business that are required to be used as a measurement of the tax levied, a correct statement of the gross proceeds of all such sales and the gross receipts of all such business, and setting forth with respect to the use tax levied, the total sales price of all property, the use, storage, or other consumption of which became subject to the tax during the then preceding quarterly

period. Such reports shall include also such other items of information pertinent to the said taxes and the amount thereof as the state department of revenue may require. Any person subject to the taxes levied may defer reporting credit sales until after their collection, and in the event he so defers reporting them, he shall thereafter include in each monthly report all credit collections made during the month preceding, and shall pay the taxes due thereon at the time of filing such report. All reports or returns filed with the state department of revenue under this section shall be available for inspection by the county commission of Barbour County, or its designated agent, at reasonable times during business hours.

Section 4. Every registered seller making sales of tangible personal property for storage, use, or other consumption in that part of Barbour County outside the corporate limits of the city of Eufaula (which storage, use, or other consumption is not exempted from the tax imposed) shall at the time of making such sale, or, if the storage, use, or other consumption of such tangible personal property in such part of Barbour County is not then taxable under this act, at the time such storage, use, or other consumption becomes taxable hereunder, collect the tax from the purchaser, and shall give to the purchaser a receipt therefor in the manner and form prescribed by the state department of revenue. On the twentieth day of the month following the close of each quarterly period provided for in Section 3 hereof, each registered seller shall file with the state department of revenue a return for the preceding quarterly period in such form as may be prescribed by the department showing the total sales of the tangible personal property sold by such registered seller, the storage, use, or other consumption of which became subject to the tax imposed during the then preceding quarterly period; and each return shall be accompanied by a remittance of the amount of the tax required to be collected by such registered seller during the period followed by the return; provided, that any registered seller may defer collecting the tax with respect to credit sales until collection of the proceeds of such sales and may defer reporting credit sales until after their collection, but shall thereafter collect the said taxes along with collection of said credit sales and shall include in each quarterly report all credit collections made during the preceding quarterly period, and shall remit the taxes with respect thereto at the time of filing such report or return. Any person who has paid to a registered seller the tax with respect to the use, storage, or other consumption of tangible personal property in that part of Barbour County outside the corporate limits of the city of Eufaula need not file a report or make any further payments of the said tax, but each person who purchases tangible personal property, the storage, use, or other consumption of which is subject to the tax imposed, and who has not paid the tax due with respect thereto to a registered seller, shall report and pay the tax as required by Section 3.

Section 5. Each person engaging or continuing within that part of Barbour County outside the corporate limits of the city of Eufaula in a business subject to the taxes levied in Section 1 shall add to the sales price or admission fee and collect from the purchaser or the person paying the admission fee the amount due by the taxpayer on account of said taxes; and every registered seller shall likewise add to the sales price and collect from the purchaser the amount of any tax which such registered seller is required to collect. It shall be unlawful for any person subject to the tax levied to fail or refuse to add to the sales price or admission fee and to collect from the purchaser or person paying the admission fee the amount herein required to be so added to the sales or admission price and collected from the purchaser, and it shall likewise be unlawful for any person subject to said tax to refund or offer to refund all or any part of the amount so collected or to absorb or

advertise directly or indirectly the absorption or refund of said tax or any portion thereof. It shall likewise be unlawful for any registered seller to fail or refuse to add to the sales price and to collect from the purchaser the amount of the tax imposed or to refund or offer to refund or absorb, or to advertise directly or indirectly the absorption of, said tax or any portion thereof.

Section 6. The taxes imposed by this act shall constitute a debt due Barbour County and may be collected by civil suit, in addition to all other methods provided by law and in this act. The said taxes, together with interest and penalties with respect thereto, shall constitute and be secured by a lien upon the property of any person from whom said taxes are due or who is required to collect said taxes. All provisions of the revenue laws of this state which apply to the enforcement of liens for license taxes due the state shall apply fully to the collection of the county taxes levied, and the state department of revenue for the use and benefit of Barbour County shall collect such taxes and enforce this act and shall have and exercise for such collection and enforcement all rights and remedies that this state or the department has for collection of the state sales tax and the use tax. The state department of revenue shall have full authority to employ such special counsel as it deems necessary from time to time to enforce collection of the taxes authorized to be levied by this act, and otherwise to enforce the provisions of this act, including any litigations involving the act; and the department shall pay such special counsel such fees as it deems necessary and proper from the proceeds of the taxes collected by it for Barbour County.

Section 7. All provisions of the state sales tax statutes with respect to payment, assessment and collection of the state sales tax, making of reports and keeping and preserving records with respect thereto, interest after due date of tax, penalties for failure to pay tax, make reports, or otherwise comply with the state sales tax statutes, the promulgation of rules and regulations with respect to the state sales tax, and the administration and enforcement of the state sales tax statutes, which are not inconsistent with the provisions of this act when applied to the tax levied in Section 1 hereof, shall apply to the county tax levied, and all provisions of the state use tax statutes with respect to payment, assessment and collection of the state use tax, making quarterly reports, and keeping and preserving records with respect thereto, interest after due date of tax, penalties for failure to pay tax, make reports or otherwise comply with the state use tax statutes, the promulgation of rules and regulations with respect to the state use tax, and the administration and enforcement of the state use tax statutes, which are not inconsistent with the provisions of this act when applied to the county use tax levied shall apply to the county tax. The commissioner of revenue and the state department of revenue shall have and exercise the same powers, duties, and obligations with respect to the county taxes levied as are imposed on the commissioner and the department, respectively, by the state sales tax statutes and the state use tax statutes. All provisions of the state sales tax statutes and the state use tax statutes that are made applicable by this act to the county taxes levied and to the administration of this act are incorporated herein by reference and made a part hereof as if fully set forth herein.

Section 8. The state department of revenue shall charge Barbour County for collecitng the special county taxes levied such amount or percentage of total collections as may be agreed upon by the commissioner of revenue and the county commission, but such charge shall not in any event exceed ten percent of the total amount of special county taxes collected hereunder within the county. Such charge for collecting the special taxes for the county may be deducted each month from the special sales and special use taxes collected

before certifying the amount of the proceeds thereof due Barbour County for that month. The commissioner of revenue shall pay into the state treasury all county taxes collected under this act, as such taxes are received by the department of revenue; and on or before the first day of each successive month (commencing with the month following the month in which the department makes the first collections hereunder), the commissioner shall certify to the state comptroller the amount of taxes collected under the provisions of this act and paid by him into the state treasury for the benefit of Barbour County during the month immediately preceding the making of such certificate. Provided, however, that before certifying the amount of the taxes paid into the state treasury for the benefit of Barbour County during each month, the commissioner may deduct from the taxes collected in said month the charges due the department for the collection of the taxes for the county. It shall be the duty of the comptroller to issue his warrant each month payable to the County Board of Education of Barbour County, in an amount equal to the amount so certified by the commissioner of revenue as having been collected for the use of the county. The County Board of Education for Barbour County shall deposit the revenue derived from the taxes levied herein in the public school funds of the county; and the net proceeds derived from the taxes levied by this act shall be used for general school purposes in that part of Barbour County outside the corporate limits of the city of Eufaula.

Section 9. This act shall be inoperative and void unless it shall have been approved by a majority of the qualified electors who reside in that part of Barbour County outside the corporate limits of the City of Eufaula and who vote thereon at a referendum election held for such purpose. The election shall be held and conducted as nearly as may be in the same way as elections on amendments to the Constitution, and shall be held on the same day as the next general or special election next following final passage fo this act. Notice of the election shall be given by the judge of probate of Barbour County, which notice shall be published once a week for three successive weeks before the day of the election. On the Ballots to be used at the election, the proposition to be voted on shall be stated substantially as follows:

"Do you favor the local law levying additional privilege, license and excise taxes paralleling state sales and use taxes in that part of Barbour County outside of the corporate limits of the City of Eufaula? Yes () No ()." If a majority of the votes cast at the election are affirmative votes, this act shall be in full force and effect on the first day of the first month beginning after said election. If a majority of the votes cast are in the negative, the act shall have no further effect. The judge of probate of Barbour County shall certify the results of the election to the Secretary of State immediately after the returns have been certified.

Section 10. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 11. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Britnell	Clemon	Denton
Bailey	Callahan	Cook	Figures

Glass	Keener	Mitchem	Smith	
Goodwin	Kirkland	Parsons	Taylor	
Gulledge	Little	Pearson	Teague	
Hall	Martin	Proctor	Weeks	
Higginbotham	Miller			—25

Nays: —0

And said Bill, H. B. 860, as thus amended by the substitute, was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Kirkland	Pearson	
Bailey	Glass	Little	Proctor	
Britnell	Goodwin	Martin	Smith	
Callahan	Gulledge	Miller	Taylor	
Clemon	Hall	Mitchem	Teague	
Cook	Higginbotham	Parsons	Weeks	
Denton	Keener			—25

Nays: —0

REPORT OF
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills and Senate Joint Resolution with the original Senate Bills and Senate Joint Resolution respectively, and finds same correctly enrolled, to-wit:

S. 41. Relating to cotton gins and the regulations thereof. To amend Section 2-19-61 of Title 2 of the Code of Alabama 1975 relating to the annual permit fee required for the operation of a cotton gin and prescribing the amount of such permit fee.

Also:

S. 45. To amend Sections 2-15-40, 2-15-60 and 2-15-130, Code of Alabama 1975 so as to further define the term "livestock."

Also:

S. 557. To provide for the crime of sexual abuse in the first degree; and to provide penalties.

Also:

S. 571. Relating to Autauga County; authorizing the county commission to levy a special county privilege license and excise tax paralleling the state sales and use taxes provided for in Chapter 23 of Title 40 of the Code of Alabama 1975, as amended; providing for the collection and enforcement of such taxes by the State Department of Revenue; providing for the distribution and use of the proceeds; and providing penalties for violations of this Act.

Also:

S. 599. To set the compensation of the tax collector of Etowah County.

Also:

S. 618. To amend Act No. 366, S. 472, 1978 Regular Session (Acts 1978, p. 309) entitled "An Act Relating to Limestone County; providing for the compensation and expense allowance of certain county officers," so as to provide further for said compensation and to give this act retroactive effect.

Also:

S. 619. Relating to Limestone County; to provide an additional expense allowance for certain elected county officers.

Also:

S. 635. Relating to the method of giving notice of the requirement of attendance of jury service and the procedure for summoning witnesses in Shelby County; to provide that witnesses may be subpoenaed by United States mail in the county under certain conditions.

Also:

S. J. R. 103. TO ESTABLISH AN INTERIM COMMITTEE TO STUDY THE PURCHASE OF THE WEST END OF DAUPHIN ISLAND AS A STATE PARK.

Also:

S. 57. To amend section 11-81-16 of the Code of Alabama 1975, which authorizes pledges of certain tax proceeds and other revenues for payment of principal of and interest on bonds of a county or municipality, so as to clarify the said section by adding revenues from airport facilities to the classes of utility revenues that may be so pledged.

Also:

S. 558. To authorize and make provisions for the incorporation in any Class III municipality of an Authority as a public corporation for the purpose of providing public transportation service in such county, upon the filing of an application with, and the authorization of such incorporation by, the governing body of any such municipality within which any such Authority proposes to furnish any such service; to provide for the amendment of the certificate of incorporation of any such Authority for certain purposes at any time, upon the authorization of each such amendment by the governing body of the municipality by which its incorporation was authorized; to provide for the election and compensation of directors of any such Authority; to provide for the powers, authorities and duties of any such Authority and its board of directors; to authorize any such Authority to acquire, construct, operate, improve and finance one or more transit systems; to confer on any such Authority the power of eminent domain; to authorize any such Authority to expend funds for the purchase or lease of materials, equipment, supplies or other personal property involving less than $2,000 without compliance with the provisions of Act No. 217 (1967 Special Session), as amended, that might otherwise be applicable; to employ officers, employees and agents without regard to any provisions of Act No. 217 (1967 Special Session), as amended; to make provisions respecting the establishment and revision of charges for public transportation service rendered by it; to provide for the issuance by any such Authority, with prior approval of the municipal governing body, for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing revenue securities, payable solely out of either or both of the

following: (a) any tax proceeds appropriated, allocated or made payable (in whole or in part) to such Authority by or pursuant to any act of the legislature of this state or by or pursuant to any ordinance, resolution or order of any county in which the Authority is authorized to furnish transportation service or any municipality located in such county and (b) the revenues of any one or more of the transit systems of such Authority, without regard to the system or systems with respect to which such revenue securities may have been issued; to provide that such revenue securities shall constitute negotiable instruments; to provide that such revenue securities may be secured by a pledge of the revenues from which they are payable, by contracts binding any such Authority for the proper application of its revenues and of the proceeds of such revenue securities, and by a non-foreclosable mortgage and deed of trust or statutory mortgage lien on the transit system out of the revenues from which sum securities are payable, and to provide that any revenue securities of the Authority may be issued under a trust indenture; to provide for constructive notice of any such statutory mortgage lien; to authorize and make provisions respecting the assumption by any such Authority of obligations respecting any transit system, or parts thereof, acquired by the Authority; to provide for the use of the proceeds of any revenue securities issued by an Authority; to provide for the refunding, by the issuance of revenue securities of an Authority, of revenue securities theretofore issued or obligations theretofore assumed by it; to provide that revenue securities issued and contracts entered into by any such Authority pursuant to this Act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; to provide that any county, municipality, other political subdivision, public corporation, or agency or instrumentality of this state may aid and cooperate with, lend or donate money to, perform services for the benefit of, and, without the necessity of an election and with or without consideration, transfer any transit system or other property to any such Authority; to exempt the property and incomd of any such Authority, and all securities issued by any such Authority and the income from such securities, and conveyances, leases, and mortgages and deeds of trust to which such Authority is a party from all taxation in the state, to exempt every such Authority from all taxes, including license and excise taxes, levied by any county, municipality, or other political subdivision of the state, and to exempt such Authority from payment of certain charges to Judges of Probate; to provide that each such Authority shall be exempt from regulation and supervision by the Public Service Commission and the State Department of Finance; to provide for the use of public roads in the state by any such Authority; to require the board of directors of any such authority to adopt an annual budget and to cause annual audits of the books and records of such authority to be made; and to provide for the dissolution of any such Authority and the disposition of its property.

McDOWELL LEE,
Secretary.

SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills and Senate Joint Resolution, the titles of which are set out in the foregoing report from the Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 165. To amend Section 9-11-237 of the Code of Alabama 1975, so as to increase the minimum and maximum amount of the fine for any person, firm or corporation convicted of selling, offering or exposing for sale, buying, purchasing, bartering or exchanging anything of value for any game bird or game animal or any part thereof.

JOHN W. PEMBERTON,
Clerk.

BILLS ON THIRD READING RESUMED

The Bill:

H. 669. Relating to Madison County; to require that certain county owned motor vehicles be marked for identification purposes with a county decal or stencil on the sides of such vehicles, and to provide a fine for violation of such identification.

was taken up.

Mr. McDonald offered the following amendment to the Bill, H. B. 669, to-wit:

AMENDMENT TO H. B. 669

Amend House Bill No. 669 Page 1 Line 22, by striking out the word "and" and inserting in lieu thereof a comma "," and after the word "office," insert the following "and those motor vehicles assigned to elected officials for their use only,"

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Little	Robertson	
Bailey	Figures	McDonald	Smith	
Barron	Glass	Mitchem	Teague	
Britnell	Hall	Parsons	Vacca	
Callahan	Holmes	Pearson	Weeks	
Clemon	Keener	Proctor	White	
Cook	Lemaster			—25

Nays: —0

And said Bill, H. B. 669, as thus amended, was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Britnell	Cook	Glass
Bailey	Callahan	Denton	Hall
Barron	Clemon	Figures	Holmes

Keener	Mitchem	Robertson	Vacca	
Lemaster	Parsons	Smith	Weeks	
Little	Pearson	Teague	White	
McDonald	Proctor			—25

Nays: —0

The Bill:

H. 652. To amend Section 16-13-51, Code of Alabama, 1975, relating to the Minimum Program Fund and requirements for participation therein.

was taken up.

Mr. McDonald offered the following amendment to the Bill, H. B. 652, to-wit:

AMENDMENT TO H. B. 652

Delete Section 3 completely on page 6, lines 8, 9, 10 and 11, and insert in lieu thereof the following Section 3:

Section 3. The provisions of this Act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law, and upon the ratification of an amendment to the state constitution proposed by an Act of the 1979 Regular Session of the legislature, House Bill 653, which relates to the authorization of a special levy of an additional three mill district school tax by the various school districts of the state.

Which was adopted.

Yeas 22; Nays 0.

Yeas:

Messrs.:	Gulledge	Lemaster	Proctor	
Bailey	Hall	Little	Robertson	
Barron	Harrison	Martin	St. John	
Cook	Higginbotham	McDonald	Taylor	
Denton	Holmes	Miller	Teague	
Figures	Keener	Mitchem		—22

Nays: —0

Mr. Little offered the following amendment to the Bill, H. B. 652, as amended, to-wit:

AMENDMENT TO H. B. 652, AS AMENDED

Amend House Bill No. 652 Page 6, inserting the following as a new Section 2 and renumber remaining sections appropriately:

Section 2. This bill as amended will not apply to any county or municipality having averaged in any preceding three (3) year period an unemployment factor in excess of one (1) percent of the national average as determined by the United States Department of Labor in so much as said municipalities and counties shall continue to receive minimum program funding at the same rate of any other fully participating system.

On motion of Mr. Keener, said amendment was laid on the table.

Yeas 18; Nays 9.

Yeas:

Messrs.:	Figures	Martin	Pearson	
Bailey	Glass	McDonald	St. John	
Barron	Hall	Mitchem	Weeks	
Clemon	Keener	Parsons	White	
Cook	Lemaster			—18
deGraffenried				

Nays:

Messrs.:	Holmes	Miller	Robertson	
Goodwin	Kirkland	Proctor	Taylor	
Higginbotham	Little			—9

Mr. Little then offered the following amendment to the Bill, H. B. 652, as amended, to-wit:

AMENDMENT TO H. B. 652, AS AMENDED

Amend House Bill No. 652 Page 2 Line 9, by striking out the figure 1981 and insert in lieu thereof the figure "1982"

Which was adopted.

Yeas 25; Nays 2.

Yeas:

Messrs.:	Gulledge	Martin	St. John	
Bailey	Hall	McDonald	Smith	
Barron	Harrison	Miller	Taylor	
Britnell	Holmes	Mitchem	Teague	
Cook	Keener	Parsons	Vacca	
Denton	Kirkland	Robertson	White	
Goodwin	Little			—25

Nays: Messrs. Pearson, Weeks. —2

And said Bill, H. B. 652, as thus amended, was read a third time at length and passed.

Yeas 19; Nays 8.

Yeas:

Messrs.:	Figures	Martin	St. John	
Bailey	Glass	McDonald	Smith	
Barron	Hall	Mitchem	Vacca	
Callahan	Holmes	Parsons	Weeks	
Clemon	Keener	Proctor	White	
				—19

Nays:

Messrs.:	Goodwin	Miller	Taylor	
Britnell	Little	Robertson	Teague	
Denton				—8

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate.

S. 40. To propose and provide for the submission of an amendment to the Constitution of Alabama which revises the Constitution of Alabama of 1901, as amended.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Smith, the Senate non-concurred in the following House amendment to the Bill, S. B. 40, the title of which is set out in the foregoing Message from the House, to-wit:

HOUSE AMENDMENT TO SUBSTITUTE FOR S. 40

To amend substitute for Senate Bill 40. On line 36, page 6 after the word "of", strike the word "his" and insert in lieu thereof the word "the".

Amend the Substitute to Senate bill 40 to read as follows:

On page 5, line 4, after the word "in", strike the word "his" and insert in lieu thereof the following:

the governor's

On page 5, line 22, after the word "as", strike the word "he" and insert in lieu thereof the following:

the governor

AMEND SUBSTITUTE FOR SENATE BILL 40

On page 4, line 33, replace the word "objection" with the word "objection."

On page 6, line 3 replace the word "supress" with the word "suppress"

AMENDMENT TO SUBSTITUTE TO S. B. 40

Amend Substitute to S. B. 40 as follows:

On page six, Section 5.07 (d), in line one, after the word "called" add the words: or ordered

CONFERENCE SUBSTITUTE FOR SENATE BILL 40

A BILL
TO BE ENTITLED
AN ACT

To amend the Constitution of 1901 by replacing the article on the Executive, Article 5, by replacing the article on Impeachment, Article 7, by replacing the article on Suffrage and Elections, Article 8, by amending Article 6, and by proposing an amendment to eliminate state-wide votes on local issues.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment, which replaces articles 5, 7 and 8 of the Constitution of 1901 and which amends certain other portions of the constitution is proposed and shall become valid as a part of the constitution when approved and proclaimed as prescribed by law.

CONSTITUTIONAL AMENDMENT

1. Article 5, Sections 112 through 138, inclusive, of the Constitution of Alabama of 1901, including amendments 38 and 282 thereto, and all other provisions of the Constitution of 1901 and amendments thereto that conflict with the following article are hereby repealed and in lieu thereof the following article shall be adopted:

ARTICLE V
EXECUTIVE DEPARTMENT

Section 5.01. Executive Power and the Executive Department.

The principal executive power of the state shall be vested in a governor. The executive department shall include a governor, a lieutenant governor, an attorney general, a state auditor, a secretary of state, a state treasurer, a commissioner of agriculture and industries, and a sheriff for each county.

Section 5.02. Election and Term of Office of Executive Officers.

The governor, lieutenant governor, attorney general, state auditor, secretary of state, state treasurer, and commissioner of agriculture and industries shall be elected by the electors of the state at the same time and places appointed for the election of members of the legislature. They shall hold their respective offices for a term of four years, commencing at twelve o'clock noon on the first Monday after the second Tuesday in January succeeding their election and until their successors shall be elected and qualified. All officers shall be eligible to succeed themselves in office, but no persons elected to any offices enumerated above shall be eligible to succeed themselves for more than one additional elective term.

Section 5.03. Election Returns.

The returns of every election for governor, Lieutenant governor, attorney general, state auditor, secretary of state, state treasurer, and commissioner of agriculture and industries shall be sealed and transmitted by the returning officers to the seat of government and directed to the speaker of the house of representatives, who shall open and publish the votes in the manner prescribed by law. The person having the highest number of votes for any one of said offices shall be declared elected;but if two or more shall have the highest and an equal number of votes, the legislature by a majority vote of the total number of the two houses meeting in joint session, shall choose one of said persons without delay. Contested elections shall be determined by both houses in the manner prescribed by law.

Section 5.04 Qualifications of Governor and Lieutenant Governor.

The governor and lieutenant governor shall be at least thirty years of age when elected and shall have been qualified voters and resident citizens in this state for seven years prior to their election.

Section 5.05. Compensation and Place of Residence of Executive Officers.

The governor, lieutenant governor, attorney general, state auditor, secretary of state, state treasurer, and commissioner of agriculture and industries, shall receive compensation to be fixed by law, which shall not be increased or diminished during the term for which they shall have been elected, and shall, except the lieutenant governor, reside in the county of the location of the state capital during the time they continue in office. The compensation of the lieutenant governor shall be the same as that received by the speaker of the house, except while serving as governor, during which time the lieutenant governor's compensation will be the same as that allowed the governor.

Section 5.06. Legislative Responsibilities of Governor.

(a) Special Sessions. The governor may by proclamation on extraordinary occasions convene the legislature at the seat of government or at a different place if the seat of government shall become dangerous, and shall state specifically in such proclamation each matter concerning which the action of that body is deemed necessary.

(b) Messages to the Legislature. The governor shall from time to time give to the legislature information on the state of the government. The governor shall transmit to the legislature a budget setting forth a financial program for the fiscal year which will have begun before the next regular session as prescribed by alw. The governor shall also account to the legislature, as may be prescribed by law, for all money received and paid out by the governor or by the governor's order; and at the commencement of each regular session shall present to the legislature estimates of the amount of money required to be raised by taxation for all purposes.

(c) Veto. Every bill passed by the legislature shall before it becomes a law be presented to the governor unless otherwise provided by this constitution. If the legislature is in session, the bill shall become law if the governor signs or fails to veto it within seven calendar days of presentation. If the legislature is prevented from returning by recess, such bill must be returned to the house in which it originated on the first legislative day after the reassembling, otherwise, it shall become law. If the legislature adjourns sine die before presentation or during such seven day period, the bill shall become law only if the governor signs it within twenty calendar days of presentation. When the governor vetoes a bill, the governor shall within seven calendar days of presentation, return it to the secretary or clerk of the house in which the bill originated, unless the legislature shall, by final adjournment, prevent such return. If the bill is returned, it shall be reconsidered, and if a majority of the members elected to each house vote for the passage of the bill, it shall become law.

(d) Executive Amendments. The governor may, within seven calendar days after a bill has been presented to the governor for signature, return such bill to the house in which it originated with recommendations for its amendment; but when return is prevented by recess such bill must be returned to the house in which it originated on the first legislative day after the reassembling, otherwise, it shall become a law. Both houses may adopt but cannot amend such amendment. If both houses approve such amendment, the bill as amended shall become law. If either house refuses to approve such amendment, then either house may reconsider the original bill and repass it by a majority vote. If both houses repass the original bill, it shall become law without the governor's signature. In all cases above set forth; the governor's ofjections, the names of the members voting for or against the bill, or amendments thereto, shall be entered on the journal.

(e) Appropriation Bills. The governor shall have power to approve or disapprove any item or items of any appropriation bill embracing distinct items, and the part or parts of the bills approved shall be the law, and the item or the items disapproved shall be void, unless the item or items disapproved shall be repassed according to the rules and limitations prescribed for the passage fo bills over the executive veto. The governor shall in writing state specifically the item or items disapproved of, setting the same out in full in his message, but in such case the enrolled bill shall not be returned with the governor's objection.

Section 5.07. Executive and Administrative Powers of the Governor.

(a) Execution of Laws. The governor shall be responsible for the faithful execution of the laws.

(b) Information. The governor may require information in writing, under oath, from the officers of the executive department, and all officers and managers of state institutions, on any subject relating to the duties of their respective offices or the condition, management and expenses of their respective departments or institutions. Any such officer or manager who willfully makes a false report or fails without sufficient excuse to make a required report on demand is guilty of an offense for which he may be removed.

(c) Executive Reorganization. Except for organizational arrangements specified in this constitution, the governor may make such changes in the organization of the executive department or in the assignment of functions among its units as he considers necessary for efficient administration. If such changes affect existing statutory law, they shall be set forth in executive orders, which must be submitted to the legislature during a regular or special session, where they may be amended, approved or disapproved, and shall become effective, and shall have the force of law, if approved or amended and approved by a majority of each house. No executive reorganization that changes or applies to statutory law shall be effected until final approval by the enactment of a bill into law. The governor shall not, however, make changes which would become effective later than one hundred and eighty days before the end of such governor's administration. For the purpose of this subsection the term "executive department" shall not include any other constitutional office or any departments, bureaus, and agencies whose director or head is appointed by any other constitutional officer or serves at the governor's pleasure.

(d) Commander in Chief. The governor shall be commander in chief of the armed forces of this state, except when they are called into the service of the United States, and may call them out to execute the laws, to preserve order, to provide assistance in the event of public disaster, to supress insurrection or to repeal invasion.

(e) Power to Fill Vacancies. The governor shall have power to fill vacancies in all offices of the state for the filling of which the constitution or laws make no other provision. The writ of election shall be called in the manner provided by law.

Section 5.08. Executive Clemency.

The governor shall have the power to grant reprieves and commutations to persons under sentence of death. The legislature may provide for and

regulate the administration of pardons, paroles, remission of fines and forfeitures, and may authorize the courts having criminal jurisdiction to suspend sentence and to order probation. A pardon shall relieve from civil and political disabilities unless specifically provided otherwise therein.

Section 5.09. Succession to the Office of Governor.

(a) Removal, Death or Resignation of Governor. In case of the governor's removal from office, death, or resignation the lieutenant governor shall become governor.

(b) Removal, Death or Resignation of Governor and Lieutenant Governor. If both the governor and the lieutenant governor be removed from office, die or resign, the unexpired terms of the governor and lieutenant governor shall be filled by a special election, except when such unexpired terms are less than one year, in which case a new governor and lieutenant governor shall not be elected until the next regular gubernatorial election. In the event of such vacancy, the office of governor shall be held and administered by the speaker of the house of representatives, the president pro tempore of the senate, attorney general, state auditor, secretary of state or state treasurer, in that order, until the new governor is elected and qualified.

(c) Vacancies due to Disability or Absence. When the governor is unable to discharge the duties of his office by reason of physical or mental disability, or when the duties are not being discharged by reason of the governor's absence from the state for twenty successive days, the power and authority of the office shall, until the governor returns to the state or regains mental competence, or relieved from other disability, devolve in the order herein named upon the lieutenant governor, the speaker of the house of representatives, the president pro tempore of the senate, attorney general, state auditor, secretary of state, or state treasurer. If any of the officers in the line of succession be under any of the disabilities herein specified, the office of the governor shall be administered in the order named by such of these officers as may be free from such disability. If the governor's disability or absence does not terminate within ninety successive days, the office of governor shall be vacant as if the governor had died.

(d) Failure of Governor to Qualify. If the governor-elect fails to qualify, the lieutenant governor-elect shall qualify and exercise the duties of governor until the governor-elect qualifies. In the event that both the governor-elect and the lieutenant governor-elect fail to qualify, the speaker of the house, the president pro tempore of the senate, the attorney general, state auditor, secretary of state, and state treasurer shall, in the order named, administer the office until the governor-elect or the lieutenant governor-elect qualifies, or until the office of governor has been filled by an election and the newly elected governor has qualified. If both the governor-elect and the lieutenant governor-elect fail to qualify within six months of the beginning of their terms of office, the unexpired term of the governor-elect and the lieutenant governor-elect shall be filled by a special election.

Section 5.10 Procedure for Determination of Incapacity of Governor.

(a) If the governor or acting governor shall appear to be unable to perform the duties of the office because of physical or mental disability or

absence from the state, it shall be the duty of the supreme court upon the request in writing by the attorney general, the speaker of the house, the president pro tempore of the senate, or any one of them, not next in succession to the office of governor, to ascertain the truth of the charges. If the governor is adjudged to be unable to perform the duties of the office because of physical or mental disability, or absence from the state, it shall be the duty of the officer next in succession to perform the duties of the office until the disability is removed or until the governor returns to the state. If the incumbent denies that the disability of the governor or other person entitled to administer the office has been removed, the supreme court shall ascertain the truth concerning the same. If the disability has not continued for more than ninety successive days and has been removed, the court shall so decree, and the office shall be restored to such governor. The supreme court shall prescribe the method of taking testimony and the rules of practice in such proceedings.

(b) The physical disability of the governor to perform the duties of the office may also be established by the governor's written declaration to that effect transmitted to the officer next in line of succession and to the attorney general. If the physical disability is removed within ninety successive days, the governor may resume the office by notifying the acting governor and the attorney general. Any question concerning the governor's ability to resume the office shall be decided by the supreme court.

Section 5.11. Compensation of Acting Governor.

The lieutenant governor, speaker of the house, president pro tempore of the senate, attorney general, state auditor, secretary of state or state treasurer, while administering the office of governor, shall receive from the state the same compensation as that prescribed by law for the governor and no other.

Section 5.12. Lieutenant Governor, Attorney General, and Other Officers.

(a) Duties of the Lieutenant Governor. The lieutenant governor shall be ex officio president of the senate but shall have no right to vote except in the case of a tie.

(b) Qualifications of Attorney General. The attorney general shall be at least thirty years of age. Such person shall have been a qualified voter of the state of Alabama, and licensed to practice law for three years in this state, and a resident citizen thereof, for five years prior to election.

(c) The Secretary of State. The secretary of state shall be the custodian of the great seal of the state, and shall authenticate therewith all official acts of the governor, except the governor's approval of laws, resolutions, appointments to office, and administrative orders. The Secretary of State shall keep a register of the official acts of the governor, and when necessary, shall attest them, and lay copies of same together with copies of all papers relative thereto, before either house of the legislature, when required to do so, and shall perform such other duties as may be prescribed by law.

(d) State Treasurer and Auditor. The state treasurer and state auditor shall, every year, at a time fixed by the legislature make a full and complete report to the governor, showing the receipts and disbursements of every

character, all claims audited and paid out, by items, and all taxes and revenues collected and paid into the treasury, and the sources thereof. They shall make reports upon any matters pertaining to their offices if required by the governor or the legislature.

(e) Removal for Insanity or Incapacity to Perform Duties. In case the lieutenant governor, attorney general, secretary of state, state auditor, state treasurer, or commissioner of agriculture and industries shall appear to be unable to perform the duties of the offices they hold because of physical or mental disability, such inability to perform such duties shall be ascertained by the supreme court upon suggestion of the governor, and if found to be insane or unable to perform such duties because of physical disability, the office shall be vacant.

Section 5.13. Election and Term of Office of Sheriffs; Sheriff Eligible to Succeed self; Impeachment of Sheriff; Effect of Impeachment of Sheriff.

A sheriff shall be elected in each county by the qualified electors thereof who shall hold office for a term of four years unless sooner removed, and shall be eligible to hold such office for successive terms. Whenever any prisoner is taken from jail, or from the custody of any sheriff or deputy, and put to death, or suffers grievous bodily harm, owing to the neglect, connivance, cowardice, or other grave fault of the sheriff, such sheriff may be impeached, under this constitution. If the sheriff be impeached, and thereupon convicted, such person shall not be eligible to hold any office in this state during the time for which such person had been elected or appointed to serve as sheriff.

Section 5.14. State Seal.

There shall be a seal of the state, which shall be used officially by the governor, and the seal now in use shall continue to be used until another shall have been adopted by the legislature. The seal shall be called, "The Great Seal of the State of Alabama".

2. Article 7, Sections 173 through 176 inclusive, of the Constitution of Alabama of 1901, and all provisions of the Constitution of 1901 and amendments thereto that conflict with the following article are hereby repealed and in lieu thereof the following article shall be adopted:

ARTICLE VII
IMPEACHMENTS

Section 7.01. Impeachment of State Officers.

(a) The governor, or acting governor, and all state officers, and judges, who are elected on a statewide basis, shall be subject to impeachment by the house of representatives for willful neglect of duty, corruption in office, or the commission of any felony offense while in office.

(b) Unless otherwise provided by law, impeachment by the house of representatives shall be tried by the senate; sitting as a court of impeachment. When sitting as a court of impeachment, the senate shall have such judicial power reasonably necessary to carry out this purpose, including the power of subpoena. No person shall be convicted by the senate without the concurrence of at least two-thirds of the members present.

(c) When the governor, lieutenant governor, or acting governor is impeached, the chief justice, or one of the associate justices of the supreme court, to be selected by it, shall preside over the senate when sitting to try an impeached officer.

(d) If at any time when the legislature is not in session, a majority of all the members elected to the house of representatives shall certify in writing to the speaker of the house their desire to meet to consider the impeachment of the governor or acting governor, it shall be the duty of the speaker of the house to summon the members of the house to assemble at the capitol to consider the impeachment of the governor or acting governor. If the house of representatives prefers articles of impeachment, the lieutenant governor or president pro tempore of the senate, if the lieutenant governor has been impeached by the house, shall summon the members of the senate to assemble at the capitol for the purpose of trying the impeached officer.

(e) An officer impeached by the house of representatives shall be disqualified from performing any official duties and receiving any compensation until such officer has been tried and acquitted; and shall be removed from office upon conviction.

Section 7.02. District Attorneys and Sheriffs.

District attorneys and sheriffs may be removed from office by the supreme court for any of the causes specified in Section 7.01 (a), under such regulations as may be prescribed by law.

Section 7.03. County and City Officers.

All county officers and officers of incorporated cities and towns may be removed from office for any of the causes specified in section 7.01 (a) of this article by a court having jurisdiction to try felony cases in the county or district in which such officers hold their office. The legislature shall provide by law the method of proceeding under this section, provided that the right of trial by jury and appeal in such cases shall be secured. This section shall not apply to the judge of any court who may be removed by procedures provided by the judicial article.

Section 7.04. Penalties Upon Conviction.

Any person convicted in cases arising under the three preceding sections shall be removed from office and shall be disqualified from holding any office under the state during the term for which such person was elected or appointed. But the person convicted, or acquitted, shall be subject to criminal punishment according to law.

3. Article 8, Sections 177 through 196, inclusive, of the Constitution of Alabama of 1901, and all other provisions of the Constitution of 1901 and amendments thereto, that conflict with the following article are hereby repealed and in lieu thereof the following article shall be adopted:

ARTICLE VIII
SUFFRAGE AND ELECTIONS

Section 8.01. Qualifications for Voting.

Every citizen of the United States who has attained the age of eighteen years and has resided in this state and in a county thereof for the time provided by law, if registered as provided by law, shall have the right to vote in the county of residence.

Section 8.02. Disqualifications.

No person convicted of a felony or who is mentally incompetent, shall be qualified to vote until restoration of civil and political rights or removal of disability.

Section 8.03. Regulation of Elections.

The legislature shall by law provide for the registration of voters, absentee voting, secrecy in voting, the administration of elections, and the nomination of candidates.

4. Amend section 6.09 (d) of Article VI of the Constitution of 1901, as amended, as follows:

(d) The commission may submit a report to the legislature at any time within the first five calendar days of any session. If before the end of the tenth legislative day of the session to which the report is submitted, the legislature has not taken final action approving, disapproving or amending the recommendation of the commission, both houses of the legislature shall as the first order of business on the eleventh legislative day cause a vote to be taken on whether the recommendations of the commission shall be approved, disapproved, or amended. If approved, or amended, the recommendations shall become law as approved or amended. The compensation of a judge shall not be diminished during the judge's term.

5. Amend section 6.17 (b) of Article VI of the Constitution of 1901, as amended, as follows:

(b) The commission shall be convened permanently with authority to conduct investigations, receive or initiate complaints concerning any judge of a court of the judicial system of this state, excluding judges who are elected on a state-wide basis. The commission shall file a complaint with the court of the judiciary in the event that a majority of the members of the commission decide that a reasonable basis exists, (1) to charge a judge with violation of any canon of judicial ethics, misconduct in office, failure to perform duties, or (2) to charge that the judge is physically or mentally unable to perform the duties of said office. All proceedings of the commission shall be confidential except the filing of a complaint with the court of the judiciary. The commission shall prosecute the complaints.

6. Article 18 of the Constitution of Alabama of 1901 as amended, is hereby further amended by adding a new section thereto, as follows:

Amendments to this constitution which apply to any political subdivision or subdivisions of the state less than the whole shall be proposed and voted upon in the legislature, and the election on such amendments shall be conducted and the result proclaimed, in all respects, in the manner provided by Section 284 of this constitution, except that in the bill or resolution submitting any such amendment the legislature may direct that the election to be held thereon shall be by the qualified electors of the political subdivision or subdivisions named therein, and that the notice of the election on such amendment shall be published only in the counties or municipalities affected thereby.

Section 2. All officers filling any office by election or appointment under Article 5 of the Constitution of 1901 shall continue the duties thereof, until their offices shall have been abolished or their successors elected and qualified in accordance with this amendment, or law authorized by this

amendment. No provision of this amendment, or law authorized by this amendment, shall shorten the term of any person elected to state office prior to the date on which this amendment shall become effective.

Section 3. Except to the extent inconsistent with the provisions of this amendment, all provisions of law and rules of court in force on the effective date of this amendment shall continue in effect until superceded in the manner authorized by the constitution.

Section 4. An election upon the proposed amendment is to be held on the first special, primary or general election after the expiration of three months from final adjournment of the current session of the legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama of 1901, as amended, and Section 17-3-7 of the Code of Alabama, 1975.

Section 5. Notice of the election and of the proposed amendments shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the state. If a newspaper is not published in a county, a copy of the notice shall be posted at the courthouse and at three other places in the county.

and requested a Committee on Conference.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Holmes	Mitchem	Smith	
Barron	Keener	Parsons	Taylor	
Britnell	Lemaster	Pearson	Teague	
Callahan	Little	Proctor	Vacca	
Cook	Martin	Robertson	Weeks	
Denton	Miller	St. John	White	
Hall				—24

Nays: —0

And the President and Presiding Officer of the Senate appointed as Committee on part of the Senate Messrs. Smith, St. John, and Pearson.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 906. Relating to Madison County; to provide the procedure for filling vacancies in any judgeship of any circuit or district court in the county.

Also:

H. 920. To repeal Act No. 736, H. 1861, approved October 6, 1975, Regular Session 1975 (Acts 1975, p. 1501), entitled "An Act Relating to counties having a population of not less than 14,000 nor more than 15,000 inhabitants according to the most recent federal decennial census; to further regulate the taking, capturing or killing of wildlife in said counties; to regulate the gun and bow and arrow hunting of certain fur-bearing animals

to the gun hunting deer seasons; to ban the practice of hanging bait over or near traps used for the taking of fur-bearing animals, and to require the marking of traps under certain conditions; and to provide penalties for violation of this act."

Also:

H. 937. Relative to Class 4 and 5, and 7 and 8 municipalities in this state having a population of not less than 25,000 and not more than 99,999 inhabitants or a population of 11,999 or less inhabitants according to the last or any subsequent Federal decennial census; authorizing each such municipality to acquire properties suitable for use by any commercial enterprise in furnishing hotel services, including food or lodging or both, and the rental of ground floor space or other accommodations to others engaged in any business, trade, profession, occupation or activity; authorizing such municipalities to lease such properties subject to certain specified requirements; authorizing such municipalities to finance the acquisition of such properties by the issuance of revenue bonds payable solely out of the revenues from the leasing of such properties and to secure such bonds by pledges of such revenues and leases and by mortgages on such properties; providing that all such bonds shall be negotiable instruments; authorizing the refunding of any such bonds; providing for remedies in the event of default respecting any bonds issued under the act; exempting from taxation such properties and the revenue from the lease thereof, such bonds and the income therefrom, all mortgages executed as security therefor and all lease agreements made hereunder; prohibiting any such municipality from making contributions to the cost of any such properties and from furnishing land therefor; providing that such bonds and any agreements made in connection therewith shall not constitute an indebtedness of a municipality or a pecuniary liability of any kind; providing that such bonds shall be legal investments for savings banks and insurance companies organized under the laws of this state; providing the purposes for which the proceeds from the sale of such bonds may be used; providing that no notice to or consent or approval by any governmental body or public officer shall be a prerequisite to the issuance of such bonds or the securing thereof.

Also:

H. 941. To repeal Act No. 735, H. 1860, approved October 6, 1975, Regular Session 1975 (Acts 1975, p. 1499), entitled "An Act Relating to counties having a population of not less than 16,245 nor more than 16,300 inhabitants according to the most recent federal decennial census; to further regulate the taking, capturing or killing of wildlife in said counties; to regulate the gun and bow and arrow hunting of certain fur-bearing animals to the gun hunting deer seasons; to ban the practice of hanging bait over or near traps used for the taking of fur-bearing animals, and to require the making of traps under certain conditions; and to provide penalties for violation of this act."

Also:

H. 1029. Relating to Lamar County; giving the county governing body certain powers in regard to maintaining and constructing roads and rights-of-way leading to churches, schools, cemeteries and private dwellings.

Also:

H. 1034. Relating to Shelby County; to levy and collect special county privilege license and excise taxes paralleling the state sales and use taxes provided for in Chapter 23 of Title 40, Code of Alabama 1975, as amended;

providing for the collection and enforcement of such taxes by the state revenue department; providing for the distribution and use of the proceeds; providing penalties for violations of this act; and providing that the terms of this act shall not become effective unless approved by the electors of Shelby County at a referendum election held for such purpose.

Also:

H. 1044. Relating to Lauderdale County; to provide further for the distribution of the payments made in lieu of ad valorem taxes by the Tennessee Valley Authority as authorized by Section 40-28-2, Code of Alabama 1975.

Also:

H. 1052. To alter or rearrange the boundary lines of the Town of Level Plains, Dale County, Alabama, so as to include within the corporate limits of said Town all territory now within such corporate limits and also certain other territory contiguous thereto, in Dale County, Alabama.

Also:

H. 1053. To alter or rearrange the boundary lines of the Town of Level Plains, Dale County, Alabama, so as to include within the corporate limits of said Town all territory now within such corporate limits and also certain other territory contiguous thereto, in Dale County, Alabama.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 827. Relating to Baldwin County; to provide a procedure for handling cases involving invalid personal checks given for licenses, and the voiding of such licenses.

Also:

H. 883. Relating to Montgomery County; to amend Act 401, H. 935, 1957 Regular Session (Acts 1957, p. 568) as last amended, which relates to the county road engineer, so as to regulate his right to participate in other businesses.

Also:

H. 978. Relating to Baldwin County; to appropriate county money to the civil air patrol, the Daphne Search and Rescue Squad and the Hub City Search and Rescue Squad.

Also:

H. 979. Relating to Baldwin County; to amend Act No. 741, H. 1148, 1978 Regular Session (Acts 1978, p. 1080) entitled "An Act Relating to Baldwin County; providing for the collection of a filing fee on instruments, documents and papers filed for records in the Probate Judge's office," so as to provide a new expiration date.

Also:

H. 982. Relating to Baldwin County; to authorize the county commission to establish a county personnel system, as recommended by the U. S. Civil Service Commission.

Also:

H. 1067. To provide for an additional clerk hire allowance for the office of judge of probate of Greene County.

Also:

H. 1068. To create an Industrial Development Authority for Greene County for the purpose of promoting industry and trade and the development of said county; to provide for the organization, powers, functions, duties and personnel of such Authority and to provide for the payment of the expenses of such Authority.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 1054. Relating to Mobile County; to amend section 2 of Act No. 653, H. 589, approved October 2, 1975 (Acts 1975, p. 1410), pertaining to voter registration and reidentification in certain counties classified on a population basis, so as to change certain procedures for such registration and reidentification.

Also:

H. 1056. Relating to Geneva County; to provide an additional expense allowance for the chairman and members of the county commission.

Also:

H. 1057. Relating to Cherokee County; authorizing the county commission to levy a special county privilege license and excise tax paralleling the state sales and use taxes provided for in Chapter 23 of Title 40 of the Code

of Alabama 1975, as amended; providing for the collection and enforcement of such taxes by the State Department of Revenue; providing for the distribution and use of the proceeds; and providing penalties for violations of this Act.

Also:

H. 1058. Relating to Lawrence County; to provide for the total rehabilitation of certain persons, both male and female, convicted of any type crime and sentenced to a term of confinement in the Lawrence County Jail, and providing for a rehabilitation Board to supervise and administer the rehabilitation processes of this Act; to provide further for the carrying out of the provisions of this Act and to repeal all laws or parts of laws which conflict with this Act.

Also:

H. 1059. Relating to Lawrence County; to provide for the election of the chairman of the county commission; to provide for the election of a temporary acting chairman; to provide that the probate judge shall cease to serve as ex officio chairman of the county commission; and to provide for the compensation of the chairman.

Also:

H. 1060. Relating to Lawrence County; providing for the construction, maintenance and repair of public roads, highways, bridges and ferries under the county unit system; authorizing and requiring the county governing body to employ and regulate the compensation of a county engineer; providing for the manner of selecting said engineer; prescribing his qualifications; and requiring bond; defining his authority, powers and duties and those of the county governing body in relation to the roads, bridges and ferries of Lawrence County; and to prohibit the performance of certain work on private property and provide penalties for violations.

Also:

H. 1061. Relating to Lawrence County; to further provide for the expense allowance and compensation of the members of the county commission.

Also:

H. 1062. Relating to Geneva County; to give the county commission certain powers and authority in regard to constructing and maintaining roads and driveways leading to schools, churches, church owned cemeteries, and private dwellings.

Also:

H. 1063. Relating to Talladega County; to promote temperance by regulating the sale of alcoholic beverages; to authorize the Alabama alcoholic beverage control board to permit the handling and sale of table wine, containing not more than 14% alcohol by volume, by its licensees; to define terms, including wine, table wine, fortified wine or vinous liquor, manufacturer, wine wholesaler and wine retailer; to provide for the licensing of wine manufacturers, wine wholesalers and wine retailers by the Alabama alcoholic beverage control board; to impose state filing fees thereon and to levy state license fees on wine wholesalers and retailers; to authorize the levy of county and municipal license fees thereon; to impose an exclusive tax on or measured by the sale of table wine in Talladega County and to provide for the collection, administration and distribution thereof; to prescribe violations and offenses, and to provide for the imposition of fines and the suspension or revocation of licenses.

Also:

H. 1065. Relating to Fayette County; to provide additional clerical help for the Probate Judge, Tax Assessor and Tax Collector and to provide said act shall take retroactive effect.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 55. To amend Section 40-17-31, Code of Alabama 1975, which relates to the excise tax on gasoline, so as to increase the minimum amount of annually accumulated excise tax proceeds on aviation fuel, upon which the commissioner of revenue grants a percentage tax reduction.

Also:

H. 825. To provide for the establishing of a Solicitor's and District Attorney's Fund in the seventeenth judicial circuit; to provide that all solicitor's and district attorney's fees taxed as costs and collected in all criminal cases in all courts in said circuit shall be paid by the clerks of said courts into the Solicitor's and District Attorney's Fund; and to authorize certain expenditures from said fund.

Also:

H. 826. To provide for an expense allowance for the judge of the 17th judicial circuit to be paid by the counties comprising the circuit.

Also:

H. 888. Relating to Choctaw County; to provide for certain annual increases in the salaries of the members of the county commission during the next four fiscal years and to provide certain expense allowances for such members with such increases and allowances payable from the county general fund.

Also:

H. 909. To repeal Act No. 669, H. 1382, Regular Session 1975 (Acts 1975, p. 1425), entitled, "An Act Relating to counties having a population not less than 115,000 nor greater than 150,000, according to the latest federal decennial census; providing that the sheriff in such counties shall receive $350 per month expense allowance, to become salary at the end of the present incumbent's term of office."

Also:

H. 910. Relating to Tuscaloosa County; providing that the sheriff of said county shall receive an additional $400 per month expense allowance, to become salary at the end of the present incumbent's term of office.

Also:

H. 926. Authorizing the county commission, or like governing body, of any county to borrow the necessary funds to operate the said county in the event the tax collector is unable to collect taxes; providing when such loans may be made, for the issuance of certificates covering such loans and for the pledge of uncollected taxes to pay such loans; prescribing the maximum interest rates applicable to such loans and the dates on which such loans would be payable; limiting the use of the proceeds of such loans; providing for the registration, payment, cancellation and exemption from taxation of such certificates; requiring each such county to comply with the debt limitation of Amendment 342 to the Constitution of 1901, as amended; and repealing conflicting laws.

Also:

H. 964. Relating to Pickens County; giving the County Commission certain powers in regard to maintaining roads and driveways leading to residences on private property, to churches and to cemeteries.

Also:

H. 1035. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Pennington, in Choctaw County.

Also:

H. 1041. Relating to Sumter County; providing for the use of electronic voting systems in elections; providing the requirements for these systems; providing those procedures to be used in connection with elections in which these systems are used, including additional procedures for dividing precincts and designating voting places therein; providing election officers for such polling places and prescribing duties and compensation of such election officials.

Also:

H. 1042. Relating to law enforcement in Sumter County; to amend Act No. 2464, H. 2846, 1971 Regular Session, (Acts 1971, p. 3929), so as to fix the fee for issuance of pistol permits; to provide for the disposition of such fees; to provide that the provisions of this Act shall be severable; and to repeal all laws or parts of laws in conflict with this Act.

Also:

H. 1045. To amend Sections 40-28-1 through 40-28-3, Code of Alabama 1975, which provide for the distribution of in-lieu-of-taxes payments by the Tennessee Valley Authority to counties served by the Tennessee Valley Authority and to dry counties not served by the Tennessee Valley Authority, so as to provide further for said distribution.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 953. To provide for a cost-of-living increase for all state employees and officials, including certain judges under certain circumstances, and certain other officials; to provide for revision of pay rates by the State Personnel Director and by the Administrative Director of Courts; to provide for the conditions prior to the granting of the conditional cost-of-living increase hereby authorized; to otherwise provide for and identify the funds from which said cost-of-living increase shall be paid and to appropriate such additional funds as may be necessary to pay such increase, subject to the condition of the state treasury and/or the availability of monies otherwise appropriated for any purpose during the fiscal year ending September 30, 1980.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 477. To amend sections 32-9-20, 32-9-21 and 32-9-25 of the Code of Alabama 1975 relating to the length restrictions of certain motor vehicles so as to exclude approved detachable wind deflection devices from such restrictions.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 483. To provide further for the compensation of circuit judges and district attorneys.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE GOVERNOR

To The Alabama Senate
State Capitol
Montgomery, Alabama

Gentlemen:

I transmit herewith a Message from the Governor concerning Senate Bill Number 481, without his signature and approval and with a suggested Executive Amendment.

Respectfully submitted,

JAMES E. FOY,
Executive Secretary.

Done this 30th day of July, 1979.

To the Alabama Senate
State Capitol
Montgomery, Alabama

Gentlemen:

I am returning to you, the Body in which it originated, Senate Bill Number 481 without my signature and approval and with the suggested Executive Amendment contained herein.

I oppose without equovication gambling, in any form, anywhere in Alabama. However, I have a deep respect for the rights of local citizens to make their own decisions on local matters as long as those decisions are not violative of the Constitution of the State of Alabama or the United States Constitution.

Further, I believe that in making their own choices by public referendum it is highly desirable that the people be totally informed well in advance of all facets, ramifications, conditions, and probably consequences resulting from the outcome of such public referendum.

Therefore, I suggest the following Executive Amendments to Senate Bill Number 481:

Page 25, add new Section 38 and renumber remaining sections accordingly.

"Section 38. The information required by this section shall be given by the probate judge by publication at least three weeks before the date of any election prescribed by this act in no less than two (2) newspapers of general circulation in the county of Lawrence.

A. The Lawrence County Commission shall authorize the compilation and publication of the following information in the manner prescribed by this section:

(1) A pro forma financial statement for a period of five (5) years projecting anticipated revenue to be received by the county of Lawrence from the operation of the proposed horseracing enterprise authorized by this act.

(2) The estimated annual return on invested capital by all individual investors, promoters, partnerships, stockholders, or corporations who have any present or anticipated financial interest whatsoever in the development or operation of the proposed horseracing enterprise authorized by this act.

(3) The estimated net profit prior to computation of federal income taxes projected over a period of five (5) years accruing to the organizing parties of a horseracing enterprise as authorized by this act. Annual net profit prior to the computation of federal income taxes shall be defined as the sum total of projected annual gross revenue less the sum of projected annual operating expenses plus projected annual local taxes plus projected annual state taxes; provided however that, projected annual net profit prior to the computation of federal income taxes shall exclude bonuses, declared dividends, or salaries to all individual investors, promoters, partnerships, stockholders, or corporations who have any present or anticipated financial interest in the development and operation of the horseracing enterprise authorized by this act.

B. The Lawrence County Commission shall authorize the compilation and publication of the following information in the manner prescribed by this section:

(1) A survey of the population of counties within a fifty mile radius from any proposed horseracing facility which shall reasonably estimate the per capita income of potential horseracing facility customers. This demographic information shall be compiled from reliable public and private sources.

(2) A reasonable estimate of the annual total losses an average customer would incur through participation in pari-mutuel betting at the proposed horseracing facility authorized by this act. This statistical information shall be compiled from studies conducted on similarly sized pari-mutuel horseracing facilities in other states.

(3) The intent of this subsection is to develop a reasonable economic and demographic profile of potential customers at a proposed pari-mutuel horseracing facility authorized by this act and to reasonably estimate to what degree the average customer will be economically affected by participation in pari-mutuel betting at such facility.

C. The Lawrence County Commission shall authorize the compilation and publication of the following information in the manner prescribed by this section:

(1) A detailed projection of capital outlay required to construct and operate a proposed horseracing facility in Lawrence County.

(2) A comprehensive study which would reveal the exact geographic location, total acreage, and architectural specifications of a proposed horseracing facility in Lawrence County.

D. The Lawrence County Racing Commission shall authorize an annual comprehensive audit of the horseracing enterprise authorized by this act to be conducted by a private auditing firm recommended by the Governor and approved by a majority of the members of the Senate voting. A copy of

every final annual audit shall be forwarded to the Governor, Lt. Governor, Speaker of the House of Representatives, members of the Lawrence County Racing Commission, and members of the Lawrence County Commission. The audit shall specifically include the amount of net profit prior to the computation of federal income taxes, as defined by this section, that have accrued to all individual investors, promoters, partnerships, stockholders, or corporations who have had any financial interest whatsoever during the period covered by the audit. The results of said audit shall be public record to be kept on file in the office of probate judge of Lawrence County.

E. All costs and commissions of the compilation of information and publication for such required by this section shall be paid from the general fund of Lawrence County.

Page 25, line 30 strike the comma (,) after the word "County" and insert the following:

"and upon publication of the information as required by Section 38 in the manner prescribed therein,";

Page 26, line 6 between the words "thereof" and "shall" insert the following:

"and upon publication of the information as required by Section 38 in the manner prescribed therein,"

The adoption of the above and foregoing suggested Executive Amendment will remove my objections to this Bill.

Respectfully,

FOB JAMES,
Governor.

GOVERNOR'S MESSAGE

On motion of Mr. Martin, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill:

S. 481. To create and provide for the Lawrence County Racing Commission for the regulating, licensing and supervision of horse racing and wagering thereon; to prescribe the composition, appointment, powers, and duties of the Commission; to provide for and regulate the pari-mutuel or certificate method of wagering within the enclosure of a licensed race track; to provide for the distribution of license fees, taxes, commissions, and other monies received under the provisions of the act; to provide certain penalties for the violation of this act and for other purposes relative thereto; and to provide for a referendum of the voters of the county on the question of whether the act will become effective in the county.

which said amendment is set out in the foregoing Message from the Governor, by a vote of

Yeas 2; Nays 0.

Yeas: Messrs.: Martin, Weeks. —2

Nays: —0

(The President and Presiding Officer of the Senate declared a quorum was present but not voting.)

BILLS ON THIRD READING RESUMED

The Bill:

H. 653. Proposing an amendment to the Constitution of Alabama relative to the levy of an additional three-mill district school tax above and beyond those taxes now in existence.

was read a third time at length as required by the Constitution and passed.

Yeas 23; Nays 6.

Yeas:

Messrs.:	Goodwin	Lemaster	Proctor
Barron	Hall	Little	St. John
Callahan	Higginbotham	Martin	Smith
Clemon	Holmes	McDonald	Vacca
Cook	Keener	Mitchem	Weeks
Glass	Kirkland	Parsons	White

—23

Nays:

Messrs.:	Denton	Robertson	Teague
Britnell	Miller	Taylor	

—6

FURTHER CONSIDERATION OF H. B. 540

The Senate proceeded to further consideration of the Bill, H. B. 540.

And said Bill, H. B. 540, was read a third time at length and passed.

Yeas 19; Nays 11.

Yeas:

Messrs.:	Harrison	Martin	Smith
Bailey	Higginbotham	McDonald	Taylor
Barron	Holmes	Miller	Vacca
Callahan	Lemaster	Proctor	Weeks
Goodwin	Little	St. John	White

—19

Nays:

Messrs.:	Denton	Keener	Parsons
Britnell	Gulledge	Kirkland	Robertson
Cook	Hall	Mitchem	Teague

—11

BILLS ON THIRD READING RESUMED

The Bill:

H. 816. To amend Section 41-4-93 of the Code of Alabama, 1975, so as to prevent the appropriations for the maintenance of state roads and bridges from reverting to the Public Road and Bridge Fund from which the appropriation was made at the end of the fiscal year.

was read a third time at length and passed.

Yeas 31; Nays 0.

Yeas:

Messrs.:	Goodwin	Lemaster	Robertson	
Bailey	Gulledge	Little	St. John	
Barron	Hall	Martin	Smith	
Britnell	Harrison	McDonald	Taylor	
Callahan	Higginbotham	Miller	Teague	
Cook	Holmes	Mitchem	Vacca	
Denton	Keener	Parsons	Weeks	
Figures	Kirkland	Proctor	White	
				—31

Nays: —0

MOTION TO RECESS LOST

At 4:50 P.M., Mr. Robertson moved that the Senate take a recess until 8 o'clock this evening, which motion was lost.

Yeas 14; Nays 16.

Yeas:

Messrs.:	Denton	Martin	Robertson	
Barron	Harrison	Mitchem	Taylor	
Britnell	Holmes	Parsons	Teague	
deGraffenried	Little	Proctor		—14

Nays:

Messrs.:	Hall	McDonald	Smith	
Bailey	Higginbotham	Miller	Vacca	
Callahan	Keener	Pearson	Weeks	
Clemon	Kirkland	St. John	White	
Cook				—16

UNFINISHED BUSINESS

BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

H. 337. To promote temperance by regulating the sale of alcoholic beverages; to authorize the Alabama alcoholic beverage control board to permit the handling and sale of table wine, containing not more than 14% alcohol by volume, by its licensees; to define terms, including wine, table wine, fortified wine or vinous liquor, manufacturer, wine wholesaler and wine retailer; to provide for the licensing of wine manufacturers, wine wholesalers and wine retailers by Alabama alcoholic beverage control board; to impose state filing fees thereon and to levy state license fees on wine wholesalers and retailers; to authorize the levy of county and municipal license fees thereon; to impose exclusive statewide tax on or measured by the sale of table wine and provide for the collection, administration and distribution thereof; to proscribe violations and offenses, and provide for the imposition of fines and the suspension or revocation of licenses.

and pending amendment, which said amendment is set out in the Journal of the Senate for the Twenty-Ninth Legislative Day.

And said amendment was then adopted by the Senate.

Yeas 21; Nays 2.

Yeas:

Messrs.:	Denton	Kirkland	Proctor	
Bailey	Glass	Little	Taylor	
Barron	Hall	Miller	Teague	
Britnell	Harrison	Mitchem	Weeks	
Cook	Higginbotham	Parsons	White	
deGraffenried	Holmes			—21

Nays: Messrs.: Callahan, Keener. —2

Mr. Teague then offered the following amendment to the Bill, H. B. 337, as amended, to-wit:

SENATE AMENDMENT TO HOUSE BILL 337, AS AMENDED

Amend House Bill 337, Section 4, Page 3, Line 16, by inserting immediately after the word "law" and immediately preceding", as follows: ", the following:

"and in which table wine is permitted to be sold by wholesale licensees of the board."

Which was adopted.

Yeas 19; Nays 1.

Yeas:

Messrs.:	Goodwin	Kirkland	Smith	
Barron	Hall	Little	Taylor	
Britnell	Higginbotham	Martin	Teague	
Cook	Holmes	Proctor	Weeks	
Denton	Keener	Robertson	White	

—19

Nay: Mr. Callahan. —1

Mr. Teague then offered the following amendment to the Bill, H. B. 337, as amended, to-wit:

AMENDMENT TO H. B. 337, AS AMENDED

Page 4, line 22, strike the semicolon following the word "state" and insert a period in lieu thereof.

Also strike the remainder of line 22 and all of lines 23 through 28.

Which was adopted.

Yeas 18; Nays 4.

Yeas:

Messrs.:	Hall	Lemaster	Taylor	
Bailey	Harrison	Little	Teague	
Barron	Holmes	Martin	Weeks	
Britnell	Keener	McDonald	White	
Denton	Kirkland	Mitchem		—18

Nays: Messrs.: Callahan, Goodwin, Gulledge, Vacca. —4

Mr. Callahan offered the following amendment to the Bill, H. B. 337, as amended, to-wit:

AMENDMENT TO HOUSE BILL 337, AS AMENDED

Amend House Bill 337, Section 15 as follows:

Amend at Page 9, Line 36, by inserting the following immediately after the word "county" and preceding the words "in which sold":

"and any municipality"

Amend at Page 10, Lines 12 through 21 by deleting subsection (1), Lines 12 through 21, and substituting in lieu thereof the following:

"(1) Twenty-five cents (25¢) per gallon or six and six tenths cents (6.6¢) per liter, according to the standard of measure used in bottling, shall be credited to the county or municipality in which the table wine was sold at retail and shall be paid on or before the 15th day of each month as a local tax to the governing body of said county or the municipalities were sold, as follows: to the governing body of each municipality therein, 100% of the proceeds of said local tax for table wine sold within the corporate limits of that municipality; and to the governing body of the county where sold, 100% of the proceeds of said local tax for table wine sold outside the police jurisdiction of all municipalities in said counties; and to the governing body of each municipality therein, 50% of the proceeds of said local tax for table wine sold outside the corporate limits, but within the police jurisdiction of that municipality; and to the governing body of the county, 50% of the proceeds of said local tax for table wine sold outside the corporate limits, but within the police jurisdictions of all municipalities in said county."

Which was adopted.

Yeas 16; Nays 2.

Yeas:

Messrs.:	Goodwin	Martin	Teague	
Bailey	Gulledge	Proctor	Vacca	
Callahan	Keener	Smith	Weeks	
Cook	Little	Taylor	White	
Figures				—16

Nays: Messrs.: Barron, Hall. —2

Mr. Barron offered the following amendment to the Bill, H. B. 337, as amended, to-wit:

AMENDMENT TO HOUSE BILL 337, AS AMENDED

Amend House Bill 337, Page 9, Section 15(a), Lines 3-8, by striking the following:

"with the volume of sales of table wine, and shall be an amount equal to $1.25 for each fluid gallon or, if bottled according to the metric standard of measure, to 33¢ per liter to be collected from the purchaser by a liquor store or by a licensed retailer on the basis of the ratio of the size or measure of the container sold to one fluid gallon or one liter rounded to the nearest higher 1¢."

and substituting in lieu thereof the following:

"with the cost price to the retailer of such table wine, and such privilege or excise tax shall be at the rate of 68.75% of such respective cost, which said amount shall be rounded to the next highest 1¢.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Smith (M), Carter:

H. J. R. 335. ENUNCIATING THE LEGISLATIVE INTENT OF ACT NO. 79-252, H. 133 OF THE 1979 REGULAR SESSION, AS IT RELATES TO ANY PERSON ASSIGNED TO THE CAPITOL BUILDING AS CAPITOL HOSTESS AND DIRECTING CERTAIN STATE OFFICIALS TO COMPLY WITH ITS PROVISIONS.

WHEREAS, Act No. 79-252, H. 133 of the 1979 Regular Session provided that the bureau of publicity would have certain persons then serving as capitol hostesses designated as "welcome center workers" and that these people would be assigned to the capitol building; and

WHEREAS, it was and is the legislative intent that these capitol hostesses now assigned as "welcome center workers" and assigned to the capitol for the preceding twelve months prior to the enactment of Act No. 79-252, continue to perform their duties in the capitol building and be paid at the same rate as other capitol hostesses; and

WHEREAS, it was the further legislative intent that such persons were not to be required to travel; and

WHEREAS, the provisions of the said act are being ignored; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the director of the state bureau of publicity and information, the personnel department and any person responsible in any degree under the provisions of said Act No. 79-252 shall proceed forthwith to see that the provisions of said act are implemented and that any difference in the salary paid, since the effective date of the act, and the salary which should have been paid shall be paid retroactively to the effective date of the act.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to each welcome center hostess assigned to the state capitol building, the director of the state bureau of publicity and information, the state personnel department, the director of finance, and the state comptroller.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Clemon, the Rules were suspended and the Resolution, H. J. R. 335, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

RESOLUTION

Mr. White offered the following Senate Joint Resolution, to-wit:

S. J. R. 172. CREATING A CONTINUING SELECT JOINT COMMITTEE TO STUDY THE RISING COST TO THE STATE OF THE MEDICAID PROGRAMS AND REPEALING AND SUPERSEDING ACT NO. 79-390, S. J. R. 128 OF THE 1979 REGULAR SESSION.

WHEREAS, the Medicaid program of the State of Alabama is taking a larger and larger portion of the funds in the state treasury; and

WHEREAS, there exists on a regular basis a crisis situation with the administration of state funds for the medicaid program; and

WHEREAS, the members of the general public and state officials are becoming alarmed at the increasing cost of this program to the state; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a continuing joint select committee to be composed of four members of the House and four members of the Senate to be appointed by the presiding officer of each house. The chairman and vice chairman of the committee shall be elected at the first meeting by the members of the committee. The committee shall study all facets of the medicaid program with particular emphasis on the increasing cost to the state of such program. The committee shall have subpoena powers and the power to punish for contempt.

Upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work. The committee shall report its findings, conclusions and recommendations to the legislature not later than the fifth legislative day of the 1980 Regular Session and each regular session thereafter. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the legislature, upon warrants drawn on the state comptroller upon requisitions signed by the committee's chairman; provided, however, that members shall not receive additional legislative compensation or per diem when the legislature is in session but they shall receive their travel expenses for all meetings attended and any travel upon the business of the committee and the total expenses of the committee shall not exceed $7,000.00.

BE IT RESOLVED FURTHER, That this shall repeal and supersede Act No. 79-390, S. J. R. 128 of the 1979 Regular Session.

On motion of Mr. White, the Rules were superseded and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has acceded to the request of the Senate for a Committee on Conference on the disagreement of the two Houses on the House amendment to the Senate Bill:

S. 40. To propose and provide for the submission of an amendment to the Constitution of Alabama which revises the Constitution of Alabama of 1901, as amended.

And the Speaker of the House has appointed as Committee on part of the House: Venable, Clark, and Zoghby.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bills:

H. 860. To provide additional revenue in Barbour County; levying in that part of Barbour County outside the corporate limits of the city of Eufaula special county privilege license and excise taxes paralleling, at lower rates, state sales and use taxes as provided for in Chapter 23 of Title 40 of the Code of Alabama 1975; providing for the ascertainment, collection, payment, distribution and use of the proceeds of such license tax, and for the enforcement of the act by the state department of revenue; and prescribing penalties and fixing punishment for violations of the act; and to provide a referendum election.

Also:

H. 669. Relating to Madison County; to require that certain county owned motor vehicles be marked for identification purposes with a county decal or stencil on the sides of such vehicles, and to provide a fine for violation of such identification.

Also:

H. 432. To amend Title 12, Chapter 19, Section 92 of the Code of Alabama 1975, so as to revise and establish fees and allowances paid to constables in Jefferson County; to repeal conflicting statutes of provisions thereof; to provide for an effective date.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 974. To amend the title and Section 3 of Act No. 388 of the Regular Session of the Legislature of Alabama of 1965 (Acts 1965, p. 533), so as to levy a license tax in all counties in this state of 600,000 population or more according to the last or any succeeding federal census, on persons engaged in selling alcoholic, spirituous, vinous, or fermented liquor at retail and to fix the rate or amount of such tax in the following amounts: Whiskey, gin, brandy, rum, vodka, cocktails, and all other alcoholic beverages except malt beverages, wines and other fermented beverages, sold, distributed, delivered, stored, or taken out of storage within the county, on each bottle or container of two (2) ounces or less, ten (10) cents; on each bottle or container of more than two (2) ounces and not more than one-half pint, twenty-five (25) cents; on each bottle or container of more than one-half pint and not more than one pint one dollar ($1.00); on each bottle or container of more than one pint and

not more than one-fifth of a gallon one dollar and sixty cents ($1.60); on each bottle or container of more thaln one-fifth of a gallon and not more than one quart, two dollars ($2.00); on each bottle or container of more than one quart, two dollars ($2.00) plus ten (10) cents for each one and six-tenths (1-6/10) ounces or fractional part thereof in excess of one quart; wines and other fermented beverages sold, distributed, delivered, stored, or taken out of storage within the county, on each bottle or container, twenty-five (25) cents; to provide that if the governing body of any such county finds and declares by resolution that the discontinuance of the State prohibition against licensees' selling, or keeping for sale, liquor or wine except in the original unbroken package is imminent, then such governing body shall be authorized to levy a license tax, in the amount below prescribed, on each person selling, distributing, delivering, storing, or withdrawing from storage at retail, within the county the beverages hereinabove described in this title; to provide that the amount of such license tax said governing body shall be authorized to levy, as aforesaid, shall be fixed in the ordinance or resolution levying such license tax, which amount shall not be less than 3% or more than 6% of the gross receipts realized by such person from the distribution, delivery, sale, storage or withdrawal from storage in the county of whiskey, gin, brandy, rum, vodka, cocktails and all other alcoholic beverages except malt beverages sold, distributed, stored, or taken out of storage within the county; to provide that the last mentioned license tax shall be called 'the gross receipts tax'; to provide that upon and after the date whereon the gross receipts tax becomes effective the license tax first hereinabove mentioned shall no longer be in effect, subject, however, to the proviso that no person shall be relieved of his obligation to pay any license tax first above mentioned due by such person for, or on account of, transactions occurring when the license tax first above mentioned was in effect; to provide for the payment of either of the two license taxes above mentioned, which is in effect and for the making and maintaining of records and reports with respect thereto; to provide for the collection and distribution of either of the above mentioned license taxes which is in effect and for the enforcement of the provisions of this act; to provide that the Board of Revenue, County Commission or like governing body of any such county shall have the authority to adopt ordinances, rules and regulations pertaining to the collection of either of the above mentioned license taxes or pertaining to the making of reports and maintaining of records with respect thereto; to provide that such ordinances, rules and regulations shall have the force and effect of law; to provide that either of the above mentioned taxes shall constitute a debt to such county which may be collected by civil suit in addition to all other methods provided by law; to provide that either of the above mentioned license taxes, together with interest and penalties with respect thereto, shall constitute a lien upon the property of any person from whom the tax is due; to require any person engaged in selling alcoholic, spirituous, vinous, or fermented liquor to obtain a permit to sell such beverages from the Judge of Probate, License Commissioner, Director of County Department of Revenue, or other public officer performing like duties in such counties; to require any such person to make a deposit of cash or marketable securities or to file a bond in an appropriate sum of two times the estimated average monthly tax; to provide that the revenue derived from either of the above mentioned license taxes, less the cost of collection, shall be paid into an Indigent Care Fund, and to provide the purpose or purposes for which either of the above mentioned taxes may be expended; to repeal any act now in effect in counties subject to this act which levies a license tax on the sale of alcoholic, spirituous, vinous, or fermented liquors, and specifically to repeal Act No. 559 of the 1959 Regular Session of the Legislature of Alabama, approved November 15, 1959; to provide for appeals from any tax assessment

made under this act; to provide that all taxes due and the remedies and penalties under said statutes repealed shall continue in effect as to any taxes accrued under said repealed statutes; to provide and fix penalties for the violation of any of the provisions of said act; and to otherwise provide for the administration of said act and for the effective date thereof.

JOHN W. PEMBERTON,
Clerk.

RESOLUTION

Messrs. Miller, Bailey, Barron, Britnell, Callahan, Clemon, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gulledge, Hall, Harrison, Higginbotham, Holmes, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague, Vacca, Weeks and White offered the following Senate Resolution, to-wit:

S. R. 173. MOURNING THE DEATH OF DR. JULIAN BRYAN TAYLOR.

Which was adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate.

S. 293. To amend Section 120 of Act 407, H. B. 198, Regular Session 1971, (Acts of Alabama 1971, Volume II, Page 774), as amended, which regulates the licensing of insurance agents, by imposing the requirement of satisfactory completion of a pre-qualification course prior to taking the written examination as provided in Section 120, paragraph (8).

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Cook, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 293, the title of which is set out in the foregoing Message from the House, to-wit:

HOUSE AMENDMENT TO S. B. 293

Amend S. B. 293 on page 2, Section 8, line(s) 9 by adding after the word institutions the following: a junior or senior college, a technical college, a trade school.

Yeas 14; Nays 1.

Yeas:

Messrs.:	Cook	Harrison	Teague	
Barron	Goodwin	Kirkland	Vacca	
Britnell	Gulledge	Little	Weeks	
Clemon	Hall	Smith		—14

Nay: Mr. Taylor. —1

(The President and Presiding Officer of the Senate declared a quorum present but not voting.)

BILLS ON THIRD READING RESUMED

The Bill:

H. 233. To amend Section 9-11-237 of the Code of Alabama 1975, so as to increase the minimum and maximum amount of the fine for any person, firm or corporation convicted of selling, offering or exposing for sale, buying, purchasing, bartering or exchanging anything of value for any game bird or game animal or any part thereof.

was taken up.

On motion of Mr. Kirkland, consideration of the Bill, H. B. 233, was indefinitely postponed by the Senate.

FURTHER CONSIDERATION OF H. B. 337

The Senate proceeded to further consideration of the Bill, H. B. 337, as amended. The question was on the amendment offered by Mr. Barron.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Executive amendment to the Bill:

S. 481. To create and provide for the Lawrence County Racing Commission for the regulating, licensing and supervision of horse racing and wagering thereon; to prescribe the composition, appointment, powers, and duties of the Commission; to provide for and regulate the pari-mutuel or certificate method of wagering within the enclosure of a licensed race track; to provide for the distribution of license fees, taxes, commissions, and other monies received under the provisions of the act; to provide certain penalties for the violation of this act and for other purposes relative thereto; and to provide for a referendum of the voters of the county on the question of whether the act will become effective in the county.

by a majority of those voting, said vote being Yeas 53, Nays 1.

And said Bill S. B. 481, as amended by the Executive amendment, was again read at length and passed by a majority of those voting said vote being Yeas 47, Nays 6

And said Bill S. B. 481, together with the Executive amendment, is herewith returned to the Senate.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 161. COMMENDING PROFESSOR PAUL C. BURNETT, EMERITUS PROFESSOR OF JOURNALISM, AUBURN UNIVERSITY.

Also:

S. J. R. 157. REQUESTING THE ALABAMA CONGRESSIONAL DELEGATION TO PROPOSE AN AMENDMENT TO P.L. 93-641

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the House amendment to the bill:

S. 564. Relating to Madison County; to reallocate Madison County's share of payments made by the Tennessee Valley Authority and certain alcoholic beverage tax revenues to the state in lieu of ad valorem taxes; and providing an expiration date.

And said bill as thus amended by the report of the Committee on Conference was again read at length and passed.

And said bill, together with the Report of the Committee on Conference, is herewith returned to the Senate.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 335. ENUNCIATING THE LEGISLATIVE INTENT OF ACT NO. 79-252, H. 133 OF THE 1979 REGULAR SESSION, AS IT RELATES TO ANY PERSON ASSIGNED TO THE CAPITOL BUILDING AS CAPITOL HOSTESS AND DIRECTING CERTAIN STATE OFFICIALS TO COMPLY WITH ITS PROVISIONS.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

FURTHER CONSIDERATION OF H. B. 337

The Senate proceeded to further consideration of the Bill, H. B. 337, as amended. The question was on the amendment offered by Mr. Barron.

On motion of Mr. Barron, further consideration of the Bill, H. B. 337, as amended, and pending amendment, was indefinitely postponed by the Senate.

Yeas 15; Nays 8.

Yeas:

Messrs.:	deGraffenried	Holmes	Robertson
Barron	Denton	Kirkland	St. John
Britnell	Hall	Little	Taylor
Cook	Harrison	Mitchem	Teague

—15

Nays:

Messrs.:	Keener	Smith	Weeks
Callahan	Parsons	Vacca	White
Goodwin			

—8

REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointments and ordered same returned to the Senate with a favorable report, to-wit:

Appointments of Dr. John E. Vickers, Mr. Adolph Weil, and Mr. Neil O. Davis to the State Ethics Commission.

On motion of Mr. McDonald, the appointment of Dr. Vickers to the State Ethics Commission was confirmed by the Senate.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Hall	McDonald	Taylor
Bailey	Higginbotham	Miller	Teague
Britnell	Holmes	Mitchem	Vacca
Cook	Keener	St. John	Weeks
deGraffenried	Lemaster	Smith	White
Goodwin	Little		

—21

Nays: —0

On motion of Mr. McDonald, the appointment of Mr. Weil to the State Ethics Commission was confirmed by the Senate.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Goodwin	McDonald	St. John
Barron	Hall	Miller	Smith
Britnell	Higginbotham	Mitchem	Taylor
Clemon	Holmes	Parsons	Vacca
Cook	Lemaster	Pearson	Weeks
deGraffenried	Little	Proctor	White
Denton	Martin		

—25

Nays: —0

On motion of Mr. McDonald, the appointment of Mr. Davis to the State Ethics Commission for the term expiring September 1, 1979 was confirmed by the Senate.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Hall	Miller	Smith
Barron	Higginbotham	Mitchem	Taylor
Britnell	Holmes	Parsons	Teague
Clemon	Lemaster	Pearson	Vacca
Cook	Little	Proctor	Weeks
deGraffenried	McDonald	St. John	White
Goodwin			

—24

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 550. To provide for size restrictions of motor vehicles on state highways.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 154. HONORING TAYLOR HARDIN, DISTINGUISHED ALABAMIAN

Also:

S. J. R. 165. CONGRATULATING AND COMMENDING MISS KELLY LEIGH MANN, NATIONAL "YOUNG MISS AMERICA."

JOHN W. PEMBERTON,
Clerk.

REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Neil O. Davis to the State Ethics Commission.

On motion of Mr. McDonald, the appointment of Mr. Davis to the State Ethics Commission for the term expiring September 1, 1984, was confirmed by the Senate.

Yeas 22; Nays 0.

Yeas:

Messrs.:	Glass	Lemaster	Smith	
Barron	Gulledge	Little	Taylor	
Britnell	Hall	Miller	Teague	
deGraffenried	Harrison	Mitchem	Weeks	
Denton	Higginbotham	Pearson	White	
Figures	Holmes	St. John		—22

Nays: —0

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointments and ordered same returned to the Senate with a favorable report, to-wit:

Appointments of Mr. Robert Hughes and Mr. Paul Thompson to the Board of Trustees of Alabama A & M University.

On motion of Mr. McDonald, the appointment of Mr. Hughes to the Board of Trustees of Alabama A & M University was confirmed by the Senate.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Hall	Martin	St. John	
Cook	Harrison	McDonald	Smith	
deGraffenried	Higginbotham	Miller	Taylor	
Denton	Holmes	Mitchem	Teague	
Figures	Lemaster	Pearson	Weeks	
Glass	Little	Robertson	White	
Goodwin				
				—24

Nays: —0

On motion of Mr. McDonald, the appointment of Mr. Thompson to the Board of Trustees of Alabama A & M University was confirmed by the Senate.

Yeas 22; Nays 0.

Yeas:

Messrs.:	Glass	Martin	St. John	
Barron	Goodwin	McDonald	Smith	
Cook	Hall	Miller	Taylor	
deGraffenried	Higginbotham	Mitchem	Teague	
Denton	Holmes	Proctor	Weeks	
Figures	Little	Robertson		
				—22

Nays: —0

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Taney A. Brazeal, Sr. to the Alabama Water Improvement Commission.

On motion of Mr. McDonald, the appointment of Mr. Brazeal to the Alabama Water Improvement Commission was confirmed by the Senate.

Yeas 20; Nays 0.

Yeas:

Messrs.:	Glass	Martin	Robertson	
Barron	Goodwin	McDonald	St. John	
Cook	Higginbotham	Miller	Taylor	
deGraffenried	Holmes	Mitchem	Teague	
Denton	Little	Proctor	Weeks	
Figures				—20

Nays: —0

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 250. URGING THE LEGISLATURE TO ARRIVE AT A WAY TO FUND THE HIGHWAY PROGRAM AND REACTIVATING THE COMMITTEE TO STUDY THE TAX STRUCTURE OF THE STATE OF ALABAMA AND THE DISTRIBUTION OF TAX REVENUES CREATED BY ACT NO. 1178, H. J. R. 430 OF THE 1975 REGULAR SESSION AND MAKING SAID INTERIM STUDY COMMITTEE A CONTINUING COMMITTEE.

On motion of Mr. McDonald, said Resolution was then concurred in and adopted by the Senate.

BILLS ON THIRD READING RESUMED

The Bill:

H. 664. To amend Section 16-3-9, Code of Alabama 1975, relating to expense allowance and other compensation for members of the state board of education in transacting the business of the board.

was read a third time at length and passed.

Yeas 18; Nays 2.

Yeas:

Messrs.:	Hall	Martin	Taylor	
Barron	Harrison	McDonald	Vacca	
Britnell	Higginbotham	Miller	Weeks	
deGraffenried	Holmes	Mitchem	White	
Denton	Little	Robertson		—18

Nays: Messrs.: Parsons, Proctor. —2

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 483. To provide further for the compensation of circuit judges and district attorneys.

Also:

H. 791. To amend Section 36-27-21.1, Code of Alabama 1975, which provides a cost-of-living increase to certain retired persons so as to allow counties and municipalities to elect to come under the provisions of the plan at the beginning of any fiscal year.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 432. To amend Title 12, Chapter 19, Section 92 of the Code of Alabama 1975, so as to revise and establish fees and allowances paid to constables in Jefferson County; to repeal conflicting statutes of provisions thereof; to provide for an effective date.

Also:

H. 669. Relating to Madison County; to require that certain county owned motor vehicles be marked for identification purposes with a county decal or stencil on the sides of such vehicles, and to provide a fine for violation of such identification.

Also:

H. 860. to provide additional revenue in Barbour County; levying in that part of Barbour County outside the corporate limits of the city of Eufaula special county privilege license and excise taxes paralleling, at lower rates, state sales and use taxes as provided for in Chapter 23 of Title 40 of the Code of Alabama 1975; providing for the ascertainment, collection, payment, distribution and use of the proceeds of such license tax, and for the enforcement of the act by the state department of revenue; and prescribing penalties and fixing punishment for violations of the act; and to provide a referendum election.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 974. To amend the title and Section 3 of Act No. 388 of the Regular Session of the Legislature of Alabama of 1965 (Acts 1965, p. 533), so as to levy a license tax in all counties in this state of 600,000 population or more according to the last or any succeeding federal census, on persons engaged in selling alcoholic, spirituous, vinous, or fermented liquor at retail and to fix the rate or amount of such tax in the following amounts: Whiskey, gin, brandy, rum, vodka, cocktails, and all other alcoholic beverages except malt beverages, wines and other fermented beverages, sold, distributed, delivered, stored, or taken out of storage within the county, on each bottle or container of two (2) ounces or less, ten (10) cents; on each bottle or container of more than two (2) ounces and not more than one-half pint, twenty-five (25) cents; on each bottle or container of more than one-half pint and not more than one pint one dollar ($1.00); on each bottle or container of more than one pint and not more than one-fifth of a gallon one dollar and sixty cents ($1.60); on each bottle or container of more than one-fifth of a gallon and not more than one quart, two dollars ($2.00); on each bottle or container of more than one quart, two dollars ($2.00) plus ten (10) cents for each one and six-tenths (1-6/10) ounces or fractional part thereof in excess of one quart; wines and other fermented beverages sold, distributed, delivered, stored, or taken out of storage within the county, on each bottle or container, twenty-five (25) cents; to provide that if the governing body of any such county finds and declares by resolution that the discontinuance of the State prohibition against licensees' selling, or keeping for sale, liquor or wine except in the original unbroken package is imminent, then such governing body shall be authorized to levy a license tax, in the amount below prescribed, on each person selling, distributing, delivering, storing, or withdrawing from storage at retail, within the county the beverages hereinabove described in this title; to provide that the amount of such license tax said governing body shall be authorized to levy, as aforesaid, shall be fixed in the ordinance or resolution levying such license tax, which amount shall not be less than 3% or more than 6% of the gross receipts realized by such person from the distribution, delivery, sale, storage or withdrawal from storage in the county of whiskey, gin, brandy, rum, vodka, cocktails and all other alcoholic beverages except malt beverages sold, distributed, stored, or taken out of storage within the county; to provide that the last mentioned license tax shall be called 'the gross receipts tax'; to provide that upon and after the date whereon the gross receipts tax becomes effective the license tax first hereinabove mentioned shall no longer be in effect, subject, however, to the proviso that no person shall be relieved of his obligation to pay any license tax first above mentioned due by such person for, or on account of, transactions occurring when the license tax first above mentioned was in effect; to provide for the payment of either of the two license taxes above mentioned, which is in effect and for the making and maintaining of records and reports with respect thereto; to provide for the collection and distribution of either of the above mentioned license taxes which is in effect and for the enforcement of the provisions of this act; to provide that the Board of Revenue, County Commission or like governing body of any such county shall have the authority to adopt ordinances, rules and regulations pertaining to the colleciton of either of the above mentioned license taxes or pertaining to the making of reports and maintaining of records with respect thereto; to provide that such ordinances, rules and regulations shall have the

force and effect of law; to provide that either of the above mentioned taxes shall constitute a debt to such county which may be collected by civil suit in addition to all other methods provided by law; to provide that either of the above mentioned license taxes, together with interest and penalties with respect thereto, shall constitute a lien upon the property of any person from whom the tax is due; to require any person engaged in selling alcoholic, spirituous, vinous, or fermented liquor to obtain a permit to sell such beverages from the Judge of Probate, License Commissioner, Director of County Department of Revenue, or other public officer performing like duties in such counties; to require any such person to make a deposit of cash or marketable securities or to file a bond in an approximate sum of two times the estimated average monthly tax; to provide that the revenue derived from either of the above mentioned license taxes, less the cost of collection, shall be paid into an Indigent Care Fund, and to provide the purpose or purposes for which either of the above mentioned taxes may be expended; to repeal any act now in effect in counties subject to this act which levies a license tax on the sale of alcoholic, spirituous, vinous, or fermented liquors, and specifically to repeal Act No. 559 of the 1959 Regular Session of the Legislature of Alabama, approved November 15, 1959; to provide for appeals from any tax assessment made under this act; to provide that all taxes due and the remedies and penalties under said statutes repealed shall continue in effect as to any taxes accrued under said repealed statutes; to provide and fix penalties for the violation of any of the provisions of said act; and to otherwise provide for the administration of said act and for the effective date thereof.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 816. To amend Section 41-4-93 of the Code of Alabama, 1975, so as to prevent the appropriations for the maintenance of state roads and bridges from reverting to the Public Road and Bridge Fund from which the appropriation was made at the end of the fiscal year.

Also:

H. 653. Proposing an amendment to the Constitution of Alabama relative to the levy of an additional three-mill district school tax above and beyond those taxes now in existence.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a

quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

BILLS ON THIRD READING RESUMED

The Bill:

H. 818. Relating to Jefferson County; to repeal Act No. 392, H. 1191, 1975 Regular Session, (Acts 1975, p. 975) entitled "An Act To alter, rearrange and extend the boundaries and corporate limits of the Town of Trafford in Jefferson County, Alabama, so as to annex certain territory to the town."

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Little	Proctor	
Bailey	Glass	Martin	St. John	
Barron	Goodwin	McDonald	Smith	
Britnell	Hall	Miller	Taylor	
Clemon	Holmes	Parsons	Vacca	
Cook	Keener	Pearson	White	
Denton	Kirkland			—25

Nays: —0

The Bill:

H. 728. Relating to Madison County; to give the County Commission certain powers and authority in regard to performing work or services upon private property and selling materials to churches, persons, firms or corporations; setting the conditions under which such work can be done or materials sold; and establishing the procedure governing work on private property or sales of materials to churches, individuals, firms or corporations.

was taken up.

Mr. Smith offered the following substitute for the Bill, H. B. 728, to-wit:

SUBSTITUTE FOR H. 728

A BILL
TO BE ENTITLED
AN ACT

Relating to Madison County; to give the County Commission certain powers and authority in regard to performing work or services upon private property and selling material to churches, persons, firms or corporations; setting the conditions under which such work can be done or materials sold; and establishing the procedure governing work on private property or sales of materials to churches, individuals, firms or corporations.

Be It Enacted by the Legislature of Alabama:

Section 1. The Madison County Commission is hereby authorized and empowered, within Madison County, to go upon private property and perform work or services for churches, individuals, firms or corporations and to sell materials to churches, individuals, firms or corporations.

Section 2. It is the intent of this bill to make available to the citizens of Madison County services only when such services are not reasonably available to them at a reasonable cost for private enterprise. Upon the enactment of this bill and during the month of January each year thereafter, the Madison County Commission shall investigate the availability of work, services and material from private enterprise in the various areas of Madison County and shall enter upon the minutes of Madison County Commission the results of such investigation. The Madison County Commission shall thereafter adopt a written policy governing the doing of such work or services and the sale of such material. The policy shall include a description of the work and services which will be performed and the materials to be sold and a limitation upon the areas in which such work or services will be performed and in which materials will be sold to those areas in which such work, services or material is not reasonably available at a reasonable cost from private enterprise. The policy shall include a provision that such work, services, or materials is available to all citizens of Madison County where such work, services or material is not reasonably available from private enterprise at a reasonable cost. The written policy adopted by the Madison County Commission shall be published annually in a newspaper of general circulation in Madison County in the type normally used for news stories.

Section 3. No work may be done by the Madison County Commission upon private property unless the Madison County Commission has no present need for the use for public county purposes of the personnel and equipment necessary to perform such work and unless the Madison County Commission is justly compensated for work or services performed and for the materials used or sold. In determining just compensation for work or services performed and for materials used or sold, all indirect costs including but not limited to overhead, management and depreciation shall be included.

Section 4. Before any work or services are performed on private property or material is sold to churches, individuals, firms or corporations, a written contract must be signed by the party for whom the work or services is to be performed or to whom the material is to be sold stating the work to be done or material sold, the amount to be paid for such work or services or material or the rate by which the amount to be paid for such work, services or material will be computed. The work or services performed must be paid for at the time it is completed and any material delivered must be paid for at the time the material is delivered. The name of each church, individual, firm or corporation for whom work or services is performed or to whom material is delivered shall be entered upon the permanent minutes of the Madison County Commission at its next regular meeting following the completion of the work or the delivery of the material, along with a description of the work performed or material delivered and a statement of the price paid to the county for the work performed or material sold.

Section 5. There shall be a limitation of one thousand dollars ($1,000) expenditure for any twelve (12) month period for work performed on private property or sale of materials to any church, individual, firm or corporation.

Section 6. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 7. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 8. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Little	Robertson	
Bailey	Figures	McDonald	Smith	
Barron	Glass	Mitchem	Teague	
Britnell	Hall	Parsons	Vacca	
Callahan	Holmes	Pearson	Weeks	
Clemon	Keener	Proctor	White	
Cook	Lemaster			—25

Nays: —0

And said Bill, H. B. 728, as thus amended by the substitute, was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Little	Robertson	
Bailey	Figures	McDonald	Smith	
Barron	Glass	Mitchem	Teague	
Britnell	Hall	Parsons	Vacca	
Callahan	Holmes	Pearson	Weeks	
Clemon	Keener	Proctor	White	
Cook	Lemaster			—25

Nays: —0

The Bill:

H. 577. To amend Act No. 588, S. 660, 1978 Regular Session (Acts of 1978, p. 692), which appropriates to Alabama Institute for Deaf and Blind to build a sheltered workshop so as to authorize a portion of said money to be used to construct an automotive body and fender shop.

was read a third time at length and passed.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Hall	Little	St. John	
Barron	Harrison	Martin	Taylor	
Britnell	Higginbotham	Miller	Teague	
Cook	Kirkland	Proctor	Vacca	
Denton	Lemaster	Robertson	Weeks	
				—19

Nays: —0

The Bill:

H. 767. To amend Code of Alabama 1975, Section 9-11-51, so as to increase the penalty for nonresident hunting without a license.

was read a third time at length and passed.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Hall	Martin	Taylor
Barron	Harrison	Miller	Teague
Cook	Higginbotham	Proctor	Vacca
Denton	Kirkland	Robertson	Weeks
Glass	Little	St. John	White

—19

Nays: —0

The Bill:

H. 667. To provide for county law libraries in each county, and for the personnel, space, funding, operation, and maintenance thereof, making said law libraries part of a network with the other law libraries in the state for their mutual benefit; permitting present county law libraries to come under the provisions of this act if they elect to do so.

was taken up.

Mr. St. John offered the following substitute for the Bill, H. B. 667, to-wit:

SUBSTITUTE FOR H. B. 667

A BILL
TO BE ENTITLED
AN ACT

To provide for county law libraries in each county, and for the personnel, space, funding, operation, and maintenance thereof, making said law libraries part of a network with the other law libraries in the state for their mutual benefit; permitting present county law libraries to come under the provisions of this act if they elect to do so.

Be It Enacted by the Legislature of Alabama:

Section 1. The governing body of each county by resolution thereof shall have the power to establish and maintain a county law library for each courthouse in their respective counties for the use and benefit of the county and state officials, court system, and the public; and shall have the power to appropriate and set aside for the establishment, maintenance, and support of said libraries, such space and funds as it shall deem necessary and appropriate. All resolutions setting up county law libraries shall be filed in the probate office of the county where located and with the Administrative Director of Courts.

Section 2. The governing body of each county having county law libraries under existing laws on the effective date of this act may come under the provisions of this act by resolution thereof, upon the request of the presiding circuit judge, and the filing of a copy of said resolution with the Secretary of State and the Administrative Director of Courts. This is an alternative method to the local act method of establishing county law libraries and a county may elect at any time to use either method but may not have a county law library under both methods at the same time. All county law libraries established under the provisions of this act shall become owners and successors of all property, funds, and obligations of their predecessors and all property and funds subsequently acquired by the county law libraries.

Section 3. In return for the county law libraries serving the legal materials needs of the county and court officials and of the citizens of the county, the county governing body may furnish adequate space and utilities for law libraries established under the provisions of this act and may supplement the book and materials budget if it considers such to be needed.

Section 4. Municipal governing bodies may appropriate funds or property to the county law libraries in consideration of said libraries making their facilities and holdings available to the citizens of the municipalities.

Section 5. Upon the establishment of a county law library, or the continuance of a present county law library under the provisions of this act, the presiding judge of the circuit, or a district or circuit judge designated by him, may appoint a full or part time County Law Librarian or custodian.

Section 6. The presiding circuit judge for the county or County Law Librarian if one exists, shall administer the county law library and shall disburse the library funds, and shall appoint such librarians and assistants as are necessary for the proper operation of the library. The presiding judge of the circuit shall appoint an advisory committee to the county law library.

Section 7. Upon the establishment of a county law library under the provisions of this act each county shall have and maintain a separate fund known as the County Law Library Fund and may have a separate law library fund for each law library in the county. The county law library funds shall consist of funds appropriated by the state, county, or municipal governments, funds collected under the provisions of law, proceeds from the sale of copies, books and other materials, or received from donations, gifts, grants, and funds other than those appropriated, and shall be audited as county funds are audited. Said fund may be used to match grants for library purposes. Library funds may be used to pay library personnel. All purchases by or on behalf of such library shall be exempt from all State of Alabama, county or municipal sales, use, or other similar taxes.

Section 8. County law libraries shall have the power to receive gifts, grants, and to exchange books and materials with other libraries and may furnish the legal needs of books, materials, and copies to the county officials and circuit, probate, and district court officials at no cost.

Section 9. For the support and maintenance of county law libraries established under the provisions of this act a library fee of two dollars shall be paid in all causes and cases of whatever nature in the district and circuit courts of the various counties wherein this law is in effect, to be collected as other court costs are collected and paid at the same time as docket or filing fees are paid. Said library fees shall be paid in all proceedings wherein a docket or filing fee is paid. All of the funds collected under the provisions of this section shall be transmitted to the proper County Law Library Fund by the tenth of each month following their collection.

Section 10. County Law libraries shall be on the distribution list of the Secretary of State to receive one set each of the Acts of Alabama and the Code of Alabama and the supplements thereto.

Section 11. The county law libraries are a part of a network of law libraries with the state-supported law libraries, and the non-state-supported law libraries on a voluntary basis, for their mutual benefit.

Section 12. The state, counties, and state agencies have the authority to transfer, sell, give, or lend books, property, and materials to the county law

libraries; and said county law libraries have the authority to transfer books, property, and materials to the state, counties, and state agencies, and to other county law libraries in the state on a voluntary basis.

Section 13. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 14. The provisions of this act shall become effective immediately upon its passage and approval by the governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 22; Nays 0.

Yeas:

Messrs.:	Hall	Little	St. John	
Barron	Harrison	Martin	Smith	
Britnell	Higginbotham	Miller	Taylor	
Clemon	Holmes	Mitchem	Vacca	
Denton	Kirkland	Pearson	White	
Goodwin	Lemaster	Proctor		—22

Nays: —0

And said Bill, H. B. 667, as thus amended by the substitute, was read a third time at length and passed.

Yeas 17; Nays 4.

Yeas:

Messrs.:	Glass	Mitchem	Smith	
Barron	Hall	Parsons	Taylor	
Britnell	Kirkland	Proctor	Vacca	
Clemon	Little	St. John	White	
Cook	Martin			—17

Nays:

Messrs.:	Higginbotham	Holmes	Miller	
Denton				—4

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate.

S. 389. To provide a conditional appropriation from the state treasury to the use of the Board of Trustees of the University of Alabama in Birmingham for capital outlay purposes.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Pearson, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 389, the title of which is set out in the foregoing Message from the House, to-wit:

HOUSE AMENDMENT TO S. B. 389

Amend S. B. 389 on page 1, line 35, by adding the following new Section and renumbering all subsequent sections accordingly:

Section : This appropriation shall not be authorized until funding is provided for the Education Appropriation Bill (H. 386) and appropriations for Marion Institute (H. 388), Tuskegee (H. 389), Talladega (H. 390), Walker Junior College (H. 391), and Lyman Ward (H. 392); and funding is also provided for H. 580, the seven percent (7%) cost-of-living pay raise authorized by the 1979 Regular Session of the Alabama Legislature.

Yeas 23; Nays 0.

Yeas:

Messrs.:	Glass	Lemaster	Parsons
Bailey	Goodwin	Little	Pearson
Barron	Harrison	Martin	Proctor
Clemon	Higginbotham	McDonald	Smith
Denton	Holmes	Miller	Taylor
Figures	Kirkland	Mitchem	White

—23

Nays: —0

RESOLUTION

Mr. Smith offered the following Senate Joint Resolution, to-wit:

S. J. R. 174. EXTENDING THE PROVISIONS OF ACT NO. 79-54, H. J. R. 3, OF THE FIRST SPECIAL SESSION OF 1979, WHICH CREATED A JOINT INTERIM COMMITTEE OF THE LEGISLATURE TO STUDY A NEW STATE CONSTITUTION.

WHEREAS, The Governor of the State, the House of Representatives and the Senate of Alabama have indicated there is a need for revision of the Constitution of 1901, but the extent and approach and areas for revision are not in agreement; and

WHEREAS, the Legislature of Alabama desires to produce a proposal for the best constitutional document possible to the people for their ratification; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That all of the provisions of Act No. 79-54, H. J. R. 3, of the First Special Session of 1979, establishing a Joint Interim Committee of the Legislature to study a new state Constitution, are hereby extended until the beginning of the 1980 Regular Session, except as provided herein and unless otherwise extended or dissolved.

BE IT FURTHER RESOLVED, That the members of the committee while on committee business as certified by the chairman shall be paid the same compensation and expenses that they receive while in legislative session.

BE IT FURTHER RESOLVED, That said committee be restructured to be composed of the Lieutenant Governor and the Governmental Affairs Committee in the Senate and the Speaker of the House of Representatives and the Constitution and Elections Committee in the House of Representatives.

BE IT FURTHER RESOLVED, That the Senate and House side of said committee shall be able to meet separately at the call of the presiding officer of the respective house.

BE IT FURTHER RESOLVED, That the Lt. Governor, or Speaker, or the respective Committee Chairman may divide the committees into joint sub-committees or sub-committees of each house and that such sub-committees, whether joint or separate, may meet together or separately and shall report their findings and make their recommendations back to the full committee.

Which was read and referred to the Standing Committee on Rules.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills and Senate Joint Resolutions with the original Senate Bills and Senate Joint Resolutions respectively, and finds same correctly enrolled, to-wit:

S. 165. To amend Section 9-11-237 of the Code of Alabama 1975, so as to increase the minimum and maximum amount of the fine for any person, firm or corporation convicted of selling, offering or exposing for sale, buying, purchasing, bartering or exchanging anything of value for any game bird or game animal or any part thereof.

Also:

S. 477. To amend sections 32-9-20, 32-9-21 and 32-9-25 of the Code of Alabama 1975 relating to the length restrictions of certain motor vehicles so as to exclude approved detachable wind deflection devices from such restrictions.

Also:

S. 481. To create and provide for the Lawrence County Racing Commission for the regulating, licensing and supervision of horse racing and wagering thereon; to prescribe the composition, appointment, powers, and duties of the Commission; to provide for and regulate the pari-mutuel or certificate method of wagering within the enclosure of a licensed race track; to provide for the distribution of license fees, taxes, commissions, and other monies received under the provisions of the act; to provide certain penalties for the violation of this act and for other purposes relative thereto; and to provide for a referendum of the voters of the county on the question of whether the act will become effective in the county.

Also:

S. 564. Relating to Madison County; to reallocate Madison County's share of payments made by the Tennessee Valley Authority and certain alcoholic beverage tax revenues to the state in lieu of ad valorem taxes; and providing an expiration date.

Also:

S. J. R. 157. REQUESTING THE ALABAMA CONGRESSIONAL DELEGATION TO PROPOSE AN AMENDMENT TO P.L. 93-641.

Also:

S. J. R. 161. COMMENDING PROFESSOR PAUL C. BURNETT, EMERITUS PROFESSOR OF JOURNALISM, AUBURN UNIVERSITY.

Also:

S. 293. To amend Section 120 of Act 407, H. B. 198, Regular Session 1971, (Acts of Alabama 1971, Volume II, Page 774), as amended, which regulates the licensing of insurance agents, by imposing the requirement of satisfactory completion of a pre-qualification course prior to taking the written examination as provided in Section 120, paragraph (8).

Also:

S. 550. To provide for size restrictions of motor vehicles on state highways.

Also:

S. J. R. 154. HONORING TAYLOR HARDIN, DISTINGUISHED ALABAMIAN.

Also:

S. J. R. 165. CONGRATULATING AND COMMENDING MISS KELLY LEIGH MANN, NATIONAL "YOUNG MISS AMERICA."

ALBERT McDONALD,
Chairman.

SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills and Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 540. Divesting the State Highway Department of certain county functions and duties in relation to roads and bridges in "captive" counties, heretofore transferred to it, and revesting such functions in the county governing bodies of the captive counties; providing for the transfer of certain funds, equipment, property and material from the State Highway Department to the county governing bodies; and to provide for the effective date.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the House amendment to the bill:

S. 142. To propose a constitutional amendment amending further subsection (a) of Section 217, Constitution of Alabama of 1901, as amended by Constitutional Amendment No. 325 and Constitutional Amendment No. 373, relating to ad valorem property taxes levied by the state and all counties, municipalities and other local taxing authorities.

And said bill as thus amended by the report of the Committee on Conference was again read at length as required by the Constitution and passed.

And said bill, together with the Report of the Committee on Conference, is herewith returned to the Senate.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill:

H. 225. To provide for a staggered system of registration for the annual issuance of motor vehicle licenses; to provide for five-year annually renewable license plates for private passenger automobiles and pick-up trucks; to provide for interim validation tabs indicative of periodic registration payment; to provide for numeric county prefixes; to provide for the design, manufacture and purchase of license plates and validation tabs; to provide for a penalty for the late registration of motor vehicles and the distribution of penalty fees; to repeal Section 32-6-50, Code of Alabama 1975, which provided for the five-year tags; to amend Section 40-12-265, Code of Alabama 1975, to provide a minimum fine of $25.00 for improper tags and to authorize county judges of probate or the appropriate licensing authority established by local Act to process the replacement of mutilated and lost tags; to amend Section 40-2-12, Code of Alabama 1975, to allow the destruction of source documents after microfilming upon validation of the reproduction; to amend Section 40-12-271, Code of Alabama 1975, to increase the license issuance fee for probate judges and license commissioners; and to create a joint legislative committee to oversee the implementation of this Act.

said Conference Report being in words and figures as follows:

REPORT OF CONFERENCE COMMITTEE
ON H. B. 225

We, your Committee on Conference appointed to reconcile the difference between the two Houses concerning H. B. 225 beg leave to report as follows:

That the Senate of Alabama and the House of Representatives concur in and adopt the following:

The attached substitute bill for H. B. 225.

RICK MANLEY,

DUANE LEWIS,

GERALD DIAL,
Conferees of the House.

JOHN TEAGUE,

DOUG COOK,

REO KIRKLAND,
Conferees of the Senate.

CONFERENCE SUBSTITUTE FOR H. B. 225

A BILL
TO BE ENTITLED
AN ACT

To provide for a staggered system of registration for the annual issuance of motor vehicle licenses; to provide for five-year annually renewable license plates for private passenger automobiles and pick-up trucks; to provide for interim validation tabs indicative of periodic registration payment; to provide for numeric county prefixes; to provide for the design, manufacture and purchase of license plates and validation tabs; to provide for a penalty for the late registration of motor vehicles and the distribution of penalty fees; to repeal Section 32-6-50, Code of Alabama 1975, which provided for the five-year tags; to amend Section 40-12-265, Code of Alabama 1975, to provide a minimum fine of $25.00 for improper tags and to authorize county judges of probate or the appropriate licensing authority established by local Act to process the replacement of mutilated and lost tags; to amend Section 40-2-12, Code of Alabama 1975, to allow the destruction of source documents after microfilming upon validation of the reproduction; to amend Section 40-12-271, Code of Alabama 1975, to increase the license issuance fee for probate judges and license commissioners; and to create a joint legislative committee to oversee the implementation of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. Effective from and after October 1, 1980, the licensing, registration and ad valorem taxation of motor vehicles in compliance with the laws of the State of Alabama shall be on a staggered basis.

To implement this Act, the licensing, registration and taxation may be for periods less than or greater than twelve months during the conversion year only. However, such proration of fees during the implementation of a staggered registration system shall result in the collection of a total amount of monies for the taxable year no more nor less than the current annual amounts received.

During the implementation period and thereafter the licensing, registration and taxation for vehicles weighing 12,000 pounds and over shall be prorated on a monthly basis.

Section 2. The staggered system for the licensing, registration and taxation of motor vehicles shall be implemented thusly: The first letter of an individual's last name shall determine the month in which a vehicle owner shall register his vehicle(s), as indicated below:

January—A, D

February—B

March—C, E

April—F, G, N

May—H, O

June—M, I

July—P, L

August—J, K, R

September—Q, S, T

October—U, V, W, X, Y, Z

November—Trucks, mobile homes, commercial fleets, etc.

December—Trucks, mobile homes, commercial fleets, etc.

After the conversion period all owners of passenger vehicles and pick-up trucks shall register their vehicles over a twelve-month period. All fleets and commercial vehicles shall be registered during the months of October and November.

Section 3. The license plates for private passenger automobiles and pick-up trucks, such truck being defined as any truck with two axles and a gross weight not exceeding 12,000 pounds, shall be valid for five years and shall be replaced at the end of that period. License plates for all other vehicles shall be valid for one year and shall be replaced at the end of that period.

Section 4. For the years during which the five-year license plates are not issued, in lieu thereof, tabs, stamps, or other devices suitable for attaching to a motor vehicle license plate shall be issued. The tab, stamp or device shall indicate the period for which it was issued and shall, when properly affixed to the license plate, evidence payment for the motor vehicle license fees and taxes for the period indicated thereon. Such tab, stamp or device shall be such size as the legislative oversight committee, as provided for in this act, deems appropriate and shall bear a bright reflective background contrasting with the digits or letters printed thereon. The first three letters of the month of expiration shall be printed on the bottom portion of said tab, stamp or device and shall be no less than three inches in width and one inch in height.

Any numbers shown on such tab, stamp or device shall be for accounting purposes only, to be used by the department of revenue, and shall in no way be used for the identification of the vehicle.

A person changing his county of residence shall be required to purchase a license plate indicating his new county or residence upon expiration of the license period covered by his present license plate or validation device and shall turn in his old license plate.

Section 5. The design of license plates, including all emblems, slogans, symbols or characters appearing thereon, shall be by regulation as promulgated by the revenue commissioner, and as otherwise specified by law. However, the face of the license plate to be displayed shall be fully treated with a retroflective material which will increase the nighttime visibility and legibility of the plate. There shall also be provided a special license plate for handicapped persons who operate their motor vehicles with hand controls which shall be specially colored red, white and blue. The purchase of these tags shall be optional with the vehicle owner, who shall bear the cost of such plates, and in no way shall the purchase of these tags be construed as mandatory upon a handicapped person.

Characters on the license plate which designate the county of issuance shall be numeric, and all numerals on said plates shall be no smaller than 2-3/4 inches in height. The following numbering scheme shall be used:

(1) Jefferson County, 1; Mobile County, 2; Montgomery County, 3.

(2) All other counties shall be ranked alphabetically and assigned consecutive numbers beginning with 4 and concluding with 67.

The board of corrections is directed to supply all license plates and revalidation devices required under this Act. The amounts charged by the board of corrections for the manufacture of revalidation devices shall not be less than that charged for the manufacture of license plates on a per item basis.

The board of corrections is hereby required to maintain an accurate system of record-keeping which shall trace and account for the handling and distribution of each plate and revalidation device throughout the manufacturing process until such items are distributed to each county.

After the five-year tag has been in use for a period of three years the Board of Corrections is hereby directed to manufacture all subsequent tags for the remaining two years of such period for a metal of less durability and quality than the metal used in manufacturing the five-year tags.

Section 6. There shall be one uniform registration renewal form to be used statewide. Such form shall be designed so as to provide for both the transfer of ownership and the registration of the vehicle. The department of revenue, or any other state agency authorized to do so, shall print and issue vehicle registration renewal notices in such a way that they can be processed or read by "optical character reader" machines. All receipts shall be sent to the county agencies charged with handling vehicle registration. This paragraph shall not be construed to give the department of revenue authority to centralize vehicle registration. Centralized registration is specifically prohibited and it is the legislative intent that automotive vehicle registration shall remain at the county level.

A penalty of $5.00 shall be assessed by the official charged with issuing motor vehicle licenses for the late registration of a motor vehicle under the system of registration imposed by this Act. Licenses shall be renewed at any time during the month of expiration; provided, however, persons renewing

licenses within ten calendar days after the month of expiration shall pay only a $2.00 penalty fee. This fee shall not be construed as coming under the requirements of Section 40-12-269.

Section 7. Section 40-12-265, Code of Alabama 1975, is amended to read as follows:

"§ 40-12-265.

"(a) It shall be unlawful for any person to mutilate or alter for the purpose of deception any motor vehicle tag, plate or validation stamp or to use upon any motor vehicle any tags, plates or validation stamps in limitation of or substitution for authorized issued tags, plates or validation stamps. It shall be the duty of all sheriffs, police officers, state troopers, highway patrolmen, license inspectors, deputy license inspectors and field agents of the department of revenue to arrest any person violating the provisions of this section, and upon conviction of any such person a fine of not less than $25.00 nor exceeding $100.00 shall may be imposed for each offense. The license inspector shall receive the same a fee of $1.50 for making such arrest as is now received by the sheriffs or if such arrests are made by his deputy, which arrest fee shall be collected as a part of the costs in any such action before a justice of the peace or other court of like competent jurisdiction.

"(b) In case one or both of the tags, the tag, plates plate or validation stamp become so mutilated as to make it or them illegible, the owner of the vehicle must file with the county license inspector, or if there is no license inspector then with the probate judge, an application setting forth the facts that the tags tag, plates plate or validation stamp or one of them has been lost, mutilated or destroyed; and, upon payment of $3.00 $2.00 and the surrender of the tag, or tags, plate or plates, one or both of which are so if mutilated or lost, the license inspector probate judge or the appropriate licensing authority established by local Act shall forward such tag or tags, plate or plates which have been surrendered, together with the application and $2.00 $1.00 to the state department of revenue, and which shall issue without additional charge a set of replacement tags tag or plates and forward same validation stamp to the applicant party designated by the license inspector on the application. The probate judge or the appropriate licensing authority established by local Act license inspector shall retain $1.00 for his service, and to defray the cost of mailing the tags or plates to the department of revenue. Should the lost tag or tags, plate or plates be recovered or come into the possession of such applicant, he must immediately deliver same to the license inspector probate judge or the appropriate licensing authority established by local Act. Should any person use upon any motor vehicle the old tag or tags, plate or plates validation stamp, he shall be guilty of a misdemeanor and upon conviction be fined as provided in subsection (a) of this section, and shall in addition be required to procure a proper license at the annual rate levied for such license.

"(c) Any person using a motor vehicle with improper license, improper tag or tags, plate or plates validation stamp, or failing to have tag or tags, plate or plates validation stamp properly displayed, or with only one tag or plate shall be notified in writing by the license inspector or field agent. If after five days from the date of such notice said person fails or refuses to comply with said notice, the license inspector shall thereupon issue citation to such person to appear instanter and procure such proper license or, in the case of mutilated or lost license plate or plates validation stamp, to make the application and pay the amount as herein provided; where such person is cited for improperly displaying the license plate or plates validation stamp

and fails or refuses to comply with the citation of the license inspector, such person shall be arrested and, upon conviction, fined as herein provided. In each case where the citation has been served in accordance herewith, the license inspector shall be entitled to a citation fee of $1.50."

Section 8. Section 40-2-12, Code of Alabama 1975, is hereby amended to read as follows:

"§ 40-2-12.

"The commissioner of revenue of the State of Alabama is authorized to make or to have made microfilm copies, photostatic copies or other similar photographic reproductions of any books, records, returns, files, minutes, letters, correspondence, motor vehicle registration cards, reports, petitions, permits, applications, receipts, assessments, notices and any other document required to be maintained or kept by the department of revenue or any agency, division or employee thereof. The commissioner of revenue is authorized to destroy or cause to be disposed of, at any time after the expiration of three years after the date of receipt, validation of the reproduction, any or the above named documents which have been microfilmed, photostated or otherwise photographed. Such microfilm, photostat or other photograph shall be retained and kept in lieu of such documents required to be kept or maintained."

Section 9. Section 40-12-271, Code of Alabama 1975, is hereby amended to read as follows:

"§ 40-12-271.

"The probate judge or license commissioner of the county, for issuing the licenses required by this article or by any other law prescribing licenses for operating motor vehicles, shall be allowed a fee of $.75 $1.25 issuing each license for operating motor vehicles. Such fees shall be paid to the probate judge or license commissioner of the county by the owner at the time of the issuance of the license tag."

Section 10. It is hereby specifically provided that this Act shall be construed in pari materia with Sections 32-8-32 and 32-8-33, Code of Alabama 1975.

Section 11. There is hereby created a legislative committee to oversee the implementation an administration of this Act. Such committee shall be composed of three members of the House of Representatives, who shall be appointed by the Speaker of the House, and serve at his pleasure, and three members of the Senate, who shall be appointed by the Lieutenant Governor, who shall serve at his pleasure, the Director of the Alabama Criminal Justice Information Center, the Director of Public Safety, and the President of the Probate Judges Association. The chairman who shall be picked by the members of the committee from the legislative members on the committee, shall have the authority to call meetings of the committee when he deems it necessary.

Upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work.

Section 12. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 13. All laws or parts of laws which conflict with this Act are repealed, specifically Section 32-6-50, Code of Alabama 1975.

Section 14. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And said bill as thus amended by the Report of the Committee on Conference was again read and passed.

And said bill, together with the Report of the Committee on Conference, is herewith returned to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE AND CONFERENCE MESSAGE

On motion of Mr. Cook, the Senate concurred in and adopted the Report of the Committee on Conference appointed to reconcile the disagreement of the two Houses on the Senate amendment to the Bill, H. B. 225, the title of which and said Conference Report are set out in the foregoing Message from the House.

Yeas 20; Nays 2.

Yeas:

Messrs.:	deGraffenried	McDonald	Robertson
Bailey	Figures	Miller	St. John
Britnell	Gulledge	Mitchem	Smith
Callahan	Hall	Pearson	Vacca
Clemon	Martin	Proctor	White
Cook			

—20

Nays: Messrs.: Little, Taylor. —2

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 577. To amend Act No. 588, S. 660, 1978 Regular Session (Acts of 1978, p. 692), which appropriates money to Alabama Institute for Deaf and Blind to build a sheltered workshop so as to authorize a portion of said money to be used to construct an automotive body and fender shop.

Also:

H. 664. To amend Section 16-3-9, Code of Alabama 1975, relating to expense allowance and other compensation for members of the state board of education in transacting the business of the board.

Also:

H. 767. To amend Code of Alabama 1975, Section 9-11-51, so as to increase the penalty for nonresident hunting without a license.

Also:

H. 818. Relating to Jefferson County; to repeal Act No. 392, H. 1191, 1975 Regular Session, (Acts 1975, p. 975) entitled "An Act To alter, rearrange and extend the boundaries and corporate limits of the Town of Trafford in Jefferson County, Alabama, so as to annex certain territory to the town."

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has received the accompanying Message from His Excellency, the Governor, returning the following Bill without his approval:

H. 24. To repeal Section 36-6-9, Code of Alabama 1975, which deals with the compiling of a journal of salaries or compensation for certain unclassified employees.

Said Governor's Message being in words and figures as follows:

MESSAGE FROM THE GOVERNOR

To The House of Representatives
State Capitol
Montgomery, Alabama

Ladies and Gentlemen:

I transmit herewith a Message from the Governor returning House Bill Number 24, without the Governor's signature and approval.

Respectfully submitted,

JAMES E. FOY,
Executive Secretary.

Done this 30th day of July, 1979.

To The House of Representatives
State Capitol
Montgomery, Alabama

Ladies and Gentlemen:

I am returning to you, the Body in which it originated, House Bill Number 24 without my signature and approval.

This administration favors the full disclosure of state finances. The current statute requires a journal of salaries or compensation for certain unclassified employees.

Respectfully,

FOB JAMES,
Governor.

And the House has reconsidered said Bill, H. B. 24, and said Bill was again read at length and passed, the Governor's veto to the contrary notwithstanding, by a vote of a majority of the whole number elected to the House, said vote being: Yeas 65, Nays 0.

And said Bill, H. B. 24, together with the Governor's Message, is herewith sent to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE AND GOVERNOR'S MESSAGE

On motion of Mr. White, the Senate reconsidered the Bill, H. B. 24, the title of which is set out in the foregoing Message from the House.

Yeas 30; Nays 1.

Yeas:

Messrs.:	Figures	Kirkland	Proctor	
Bailey	Glass	Lemaster	Robertson	
Britnell	Goodwin	Little	Smith	
Callahan	Gulledge	Martin	Taylor	
Clemon	Hall	McDonald	Teague	
Cook	Harrison	Miller	Vacca	
deGraffenried	Higginbotham	Mitchem	White	
Denton	Holmes	Pearson		—30

Nay: Mr. Barron. —1

And said Bill, H. B. 24, was again read at length and passed, the Governor's objections to the contrary notwithstanding, by a vote of a majority of the whole number elected to the Senate, said vote being:

Yeas 30; Nays 1.

Yeas:

Messrs.:	Figures	Kirkland	Proctor	
Bailey	Glass	Lemaster	Robertson	
Britnell	Goodwin	Little	Smith	
Callahan	Gulledge	Martin	Taylor	
Clemon	Hall	McDonald	Teague	
Cook	Harrison	Miller	Vacca	
deGraffenried	Higginbotham	Mitchem	White	
Denton	Holmes	Pearson		—30

Nay: Mr. Barron. —1

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate.

S. 590. To amend Section 25-4-5, Section 25-4-10, Section 25-4-16, Section 25-4-51, Section 25-4-70, Section 25-4-74, Section 25-4-78, Section 25-4-91, Section 25-4-113, Section 25-4-118, Section 25-4-134, Section 25-4-141 and Section 25-4-145, Code of Alabama 1975, as last amended, relating to the Alabama Unemployment Compensation Act so as to remove provisions covering certain participants in federally funded programs; to include back pay awards in the definition of wages, distribute over the period covered by the award and to describe the effect on the receipt of benefits; to clarify the period required for a reimbursing employer to become eligible to change method of financing benefit costs; to provide for succession of and by governmental entities, designate liability for resulting benefit costs and recovery of such costs from an abolished state agency; to provide a minimum advance payment rate for governmental employer and the procedure for appealing an assigned rate; to clarify the denial of benefit provisions for certain educational employees; to provide for the reduction of benefits by the amount of pensions or retirement pay as required by federal law to become effective after March 31, 1980; to permit reconsideration of claims after the end of a benefit year in case of false or misrepresented facts and procedures for appeal of such reconsideration; to provide employees immunity from civil suits for act performed in their individual official capacity except for wanton or malicious conduct; to permit disclosure of information to public officials in performance of official duties; to correct a reorganization of procedures relating to collection of delinquent contributions made during compilation of the 1975 Code; to remove requirement for individual to testify even if testimony might be self-incriminating and to establish procedures for collection of overpayment of benefits.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Goodwin, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 590, the title of which is set out in the foregoing Message from the House, to-wit:

HOUSE AMENDMENT TO S. B. 590

A BILL
TO BE ENTITLED
AN ACT

To amend Section 25-4-70, Section 25-4-78 and Section 25-4-134, Code of Alabama 1975, as last amended, relating to the Alabama Unemployment Compensation Act so as to meet federal law requirements; to clarify the denial of benefit provisions for certain educational employees and to provide for the reduction of benefits by the amount of pensions or retirement pay; to correct a reorganization of procedures for the collection of delinquent taxes and reports made in the 1975 Code.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 25-4-70, Code of Alabama 1975, as last amended, is hereby amended to read:

"§ 25-4-70. Accrual; time and manner of payment.—(a) After contributions have been due under this chapter for two years, benefits shall become payable from the fund to any employee who thereafter is or becomes unemployed and eligible for benefits, and shall be paid through employment offices or such other agencies at such times and in such manner as the director may prescribe.

(b) (1) Benefits based on service in employment defined in subdivision (a) (2) and (a) (3) of section 25-4-10 shall be payable in the same amount, on the same terms and subject to the same conditions as compensation payable on the basis of other service subject to this chapter; except, that: benefits shall not be paid to any individual based on service in an instructional, research or principal administrative capacity in an institution of higher education, as defined in subsection (c) of section 25-4-10, or in any capacity in any educational institution below the level of higher education, as defined in subsection (d) of section 25-4-10, for any week of unemployment which begins during the period between two successive academic years, or during a similar period between two regular terms, whether or not successive, or during a period of paid sabbatical leave provided for in the individual's contract, if such individual performs such services in the first of such academic years (or terms) and if there is a contract or a reasonable assurance that such individual will perform services in any such capacity for any educational institution in the second of such academic years or terms.

a. With respect to any week of unemployment beginning after December 31, 1977, benefits shall not be paid based on service in an instructional, research, or principal administrative capacity for any educational institution for any such week commencing during the period between two successive academic years, or during a similar period between two regular terms, whether or not successive, or during a period of paid sabbatical leave provided for in the individual's contract, to any individual if such individual performs such services in the first of such academic years (or terms) and if there is a contract or reasonable assurance that such individual will perform services in any such capacity for any educational institution in the second of such academic years or terms.

b. With respect to any week of unemployment beginning after December 31, 1977, benefits shall not be paid on the basis of service in any other capacity for an educational institution (other than an institution of higher education as defined in subsection (c) of section 25-4-10) to any individual for any such week which commences during a period between two successive academic years or terms if such individual performs such services in the first of such academic years or terms and there is a reasonable assurance that such individual will perform such services in the second of such academic years or terms.

For the purposes of this subdivision (1), the term "reasonable assurance" means a written, verbal or implied agreement that the employee will perform services during the ensuing academic year or term and the term "contract" is intended to include tenure status.

(2) Benefits shall not be paid to any individual on the basis of any services, substantially all of which consist of participating in sports or athletic events or training or preparing to so participate, for any week which commences during the period between two successive sport seasons (or

similar periods) if such individual performed such services in the first of such seasons (or similar periods) and there is a reasonable assurance that such individual will perform such services in the later of such seasons (or similar periods).

(3) a. Benefits shall not be paid on the basis of services performed by an alien unless such alien is an individual who was lawfully admitted for permanent residence at the time such services were performed, was lawfully present for purposes of performing such services, or was permanently residing in the United States under color of law at the time such services were performed (including an alien who is lawfully present in the United States as a result of the application of the provisions of section 205 (a) (7) or section 212 (d) (6) of the Immigration and Nationality Act).

b. Any data or information required of individuals applying for benefits to determine whether benefits are not payable to them because of their alien status shall be uniformly required from all applicants for benefits.

c. In the case of an individual whose application for benefits would otherwise be approved, no determination that benefits to such individual are not payable because of his alien status shall be made except upon a preponderance of the evidence."

Section 2. Section 25-4-78, Code of Alabama 1975, as last amended, is hereby amended to read:

"§ 25-4-78. Disqualification for benefits.—An individual shall be disqualified for total or partial unemployment:

(1) LABOR DISPUTE IN PLACE OF EMPLOYMENT.—For any week in which his total or partial unemployment is directly due to a labor dispute still in active progress in the establishment in which he is or was last employed. For the purposes of this section only, the term "labor dispute" includes any controversy concerning terms, tenure or conditions of employment, or concerning the association or representation of persons in negotiating, fixing, maintaining, changing or seeking to arrange terms or conditions of employment, regardless of whether the disputants stand in the proximate relation of employer and employee. This definition shall not relate to a dispute between an individual worker and his employer.

(2) VOLUNTARY DEPARTURE FROM WORK.—If he has left his most recent bona fide work voluntarily without good cause connected with such work.

a. 1. However he shall not be disqualified if he was forced to leave work because he was sick or disabled, notified his employer of the fact as soon as it was reasonably practicable so to do, and returned to that employer and offered himself for work as soon as he was again able to work; provided, however, this exception shall not apply if the employer had an established leave-of-absence policy covering sickness or disability and:

(i) The individual fails to comply with same as soon as it is reasonably practicable so to do, or

(ii) Upon the expiration of a leave of absence he shall fail to return to said employer and offer himself for work, if he shall then be able to work, or, if he is not then able to work, he fails to so notify his employer of that fact and request an extension of his said leave of absence as soon as it is reasonably practicable so to do.

2. In case of doubt that an individual was sick or disabled, or as to the duration of any such sickness or disability, the director may, or if the employer requests it, the director shall require a doctor's certificate to establish the fact or facts in doubt.

3. An established leave-of-absence policy shall be any leave-of-absence policy covering sickness and disability communicated to the employee by the customary means used by the employer for communicating with his employees.

4. Nothing herein shall be construed or interpreted as authorizing the payment of benefits to any person during or for unemployment due to sickness or disability or during any period in which he is on a leave of absence granted in accordance with an established leave-of-absence policy, the duration of which leave was set in accordance with his request or in accordance with a collective bargaining agreement; except, that if such leave of absence is on account of pregnancy and extends beyond the tenth week following termination of such pregnancy, the individual shall not be denied benefits under the provisions of this subdivision (2) beyond such tenth week if she has given the employer three weeks notice of her desire to return to work, is then able to work and has not refused reinstatement to a job which under the provisions of subdivision (5) of this section would be deemed suitable for her.

b. When an individual is disqualified under this subdivision (2):

1. He shall not be entitled to benefits for the week in which the disqualifying event occurs or for any week thereafter until

(i) he has reentered insured employment or employment of the nature described in subdivisions (5), (6), (7), (8), (9), (10) or (18) of subsection (b) of section 25-4-10; and

(ii) For which employment he has earned wages equal to at least 10 times his weekly benefit amount for the benefit year in which such disqualification is assessed.

2. The total amount of benefits to which he may otherwise be entitled as determined in accordance with sections 25-4-74 and 25-4-75 shall be reduced by an amount equal to not less than six nor more than 12 times his weekly benefit amount.

3. For the purpose of the experience rating provisions of section 25-4-54, no portion of the wages paid to him for the period of employment ending with the separation to which the disqualification applies shall be determined to be employee's or employer's benefit wages. If the individual has been separated from employment other than his most recent bona fide work under conditions which would have been disqualifying under this subdivision (2) had the separation been from his most recent bona fide work and the employer answers a notice of payment within 15 days after it is mailed to him detailing the facts in connection with the separation, then no portion of the wages for the period of employment ending in such separation shall be determined to be employee's or employer's benefit wages.

c. An individual shall not be disqualified if he left his employment and immediately returned to work with his regular employer or to employment in which he had prior existing statutory or contractual seniority or recall rights. When this exception is applied, wages paid for that period of employment

immediately preceding the separation to which the exception is applied, which have not been heretofore determined to be benefit wages, shall not be determined to be employer's or employee's benefit wages for the purpose of the experience rating provisions of section 25-4-54.

d. For the purposes of this subdivision (2) and subdivision (3) of this section, the director in determining the "most recent bona fide work" shall consider the duration of the most recent job or jobs, the intent of the individual and his employer as to the permanence of such work and whether separation from the immediately preceding employment was under conditions which would be disqualifying in the event such immediately preceding employment should be determined to be the most recent bona fide work.

(3) DISCHARGE FOR DISHONEST OR CRIMINAL ACT.

a. If he was discharged or removed from his work for a dishonest or criminal act committed in connection with his work or for sabotage or an act endangering the safety of others. Disqualification under this paragraph may be applied to separations prior to separation from the most recent bona fide work only if the employer has filed a timely notice with the director alleging that the separation was under conditions described in this paragraph. When an individual is disqualified under this paragraph:

1. He shall not be entitled to benefits for the week in which the disqualifying event occurs or for any week thereafter until he has reentered insured employment or employment of the nature described in subdivision (5), (6), (7), (8), (9), (10) or (18) of subsection (b) of section 25-4-10.

2. He shall not thereafter be entitled to any benefits under this chapter on account of wages paid to him for the period of employment by the employer by whom he was employed when the disqualifying event occurred.

3. For the purposes of the experience rating provisions of section 25-4-54, no portion of such wages shall be determined to be employee's or employer's benefit wages for any benefit year or base period. If, in the case of a separation prior to separatibn from the most recent bona fide work, the only reason disqualification under this paragraph was not assessed was the failure of the employer to properly file a timely separation report with the director but if such employer does file such a report within 15 days after the mailing of a notice of payment, then no portion of the wages paid for the period of employment ending in such prior separation shall be determined to be employee's or employer's benefit wages.

b. If he was discharged from his most recent bona fide work for actual or threatened deliberate misconduct committed in connection with his work (other than acts mentioned in paragraph a of this subdivision (3)) after previous warnings to the individual. When an individual is disqualified under this paragraph, or exempt from disqualification for a separation under such conditions prior to his most recent bona fide work, the effect shall be the same as provided in paragraph b of subdivision (2) of this section for disqualification or exemption from disqualification respectively.

c. If he was discharged from his most recent bona fide work for misconduct connected with his work (other than acts mentioned in paragraphs a and b of this subdivision):

1. He shall be disqualified from receipt of benefits for the week in which he was discharged and for not less than the two nor more than the six next following weeks as determined by the director in each case according to the seriousness of the conduct.

2. The total amount of benefits to which he may otherwise be entitled as determined in accordance with sections 25-4-74 and 25-4-75 shall be reduced by an amount equal to the product of the number of weeks for which he shall be disqualified multiplied by his weekly benefit amount.

3. Only one half of the wages paid to him for that period of employment immediately preceding the separation to which the disqualification applies shall be determined to be employee's or employer's benefit wages for the purposes of the experience rating provisions of section 25-4-54. If the individual has been separated from employment, other than his most recent bona fide work, under conditions which would have been disqualifying under paragraph c of this subdivision (3) had the separation been from his most recent bona fide work and the employer answers a notice of payment within 15 days after it is mailed to him detailing the facts in connection with the separation, then only one half of the wages paid to him for that period of employment immediately preceding the separation shall be determined to be employee's or employer's benefit wages for the purposes of the experience rating provisions of section 25-4-54.

d. If he has been suspended as a disciplinary measure connected with his work, or for misconduct connected with his work, he shall be disqualified from benefits for the week or weeks (not to exceed four weeks) in which or for which he is so suspended and the total amount of benefits to which he may otherwise be entitled shall be reduced in the same manner and to the same extent as provided in subparagraph 2 of paragraph c of this subdivision (3).

(4) REVOCATION OR SUSPENSION OF REQUIRED LICENSE, ETC.—For the week in which he has become unemployed because a license, certificate, permit, bond or surety which is necessary for the performance of such employment and which he is responsible to supply has been revoked, suspended, or otherwise become lost to him for a cause other than one which would fall within the meaning of subdivision (3) of this section, but one which was within his power to control, guard against or prevent, and for each week thereafter until

a. Said license, certificate, permit, bond or surety has been restored to him and he has reapplied to his employer for employment, or

b. He has reentered insured employment or employment of the nature described in subdivision (5), (6), (7), (8), (9), (10) or (18) of subsection (b) of section 25-4-10, whichever is the earlier.

(5) FAILURE TO ACCEPT AVAILABLE SUITABLE WORK, ETC.—If he fails, without good cause, either to apply for or to accept available suitable work or to return to his customary self-employment when so directed by the director or when he is notified of suitable work or it is offered him through a state employment office or the United States employment service, or directly or by written notice or offer to any such employment office or employment service by an employer by whom the individual was formerly employed. Such disqualification shall be for a period of not less than one nor more than 10 weeks from the date of said failure. This disqualification shall not apply unless the individual has an established benefit year, or is seeking to establish one or is seeking extended benefits at the time he fails without good cause, to do any of the acts set out in this subdivision (5).

a. In determining whether or not any work is suitable for an individual, the director shall consider the degree of risk involved to his health, safety and morals, his physical fitness and prior training, his experience and prior

earnings, his length of unemployment and prospects for securing local work in his customary occupation and the distance of the available work from his residence; provided, that no work or employment shall be deemed unsuitable because of its distance from the individual's residence, if such work or employment is in the same or substantially the same locality as was his last previous regular place of employment and if the employee left such voluntarily without good cause connected with such employment.

b. Notwithstanding any other provisions of this chapter, no work shall be deemed suitable and benefits shall not be denied under this chapter to any otherwise eligible individual for refusing to accept new work under any of the following conditions:

1. If the position offered is vacant due directly to a strike, lockout or other labor dispute;

2. If the wages, hours or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality; or

3. If as a condition of being employed the individual would be required to join a company union, or to resign from or refrain from joining any bona fide labor organization.

c. Notwithstanding any other provisions of this section, benefits shall not be denied an individual, by reason of the application of the provisions of this subdivision (5), with respect to any week in which he is in training with the approval of the director as described in subdivision (3) of section 25-4-77.

(6) RECEIPT OF DISMISSAL OR SEPARATION ALLOWANCE, ETC.—For any week with respect to which he is receiving or has received remuneration in the form of wages in lieu of notice, or a dismissal of separation allowance.

(7) RECEIPT OF OR APPLICATION FOR UNEMPLOYMENT COMPENSATION FROM ANOTHER STATE, ETC.—For any week with respect to which or a part of which he has received or is seeking unemployment benefits under an unemployment compensation law of any other state or of the United States; provided, that if the appropriate agency of such other state or of the United States finally determines that he is not entitled to such unemployment benefits this disqualification shall not apply.

(8) RECEIPT OF OR APPLICATION FOR PENSION PAYMENT.—For any week with respect to which or a part of which he has received or is seeking a pension payment pursuant to an employment contract or agreement; provided, that if it is finally determined he is not entitled to such pension payment this disqualification shall not apply; and provided further, that no claimant shall be disqualified from receiving benefits by virtue of the provisions of this subdivision (3) when his benefits are based entirely on wages earned from employment other than that from which he retired. If the retirement pay, the receipt of which is disqualifying under this subdivision (8), is less than the weekly benefit which would otherwise be due under this chapter, he shall be entitled to receive, if otherwise eligible, weekly benefits reduced by the amount of such retirement pay.

The other provisions of this subdivision (8) notwithstanding, the amount of any benefits payable to an individual for any week of unemployment which begins after March 31, 1980, and which begins in a period with respect to which such individual is receiving a governmental or other pension, retirement or retired pay, annuity, or any other similar periodic payment which is

based upon the previous work of such individual shall be reduced (but not below zero) by an amount equal to the amount of such pension, retirement or retired pay, annuity or other payment for such week, provided such reduction is required as a condition for approval of this chapter for full tax credit against the tax imposed by the Federal Unemployment Tax Act.

(9) RECEIPT OF OR APPLICATION FOR WORKMAN'S COMPENSATION.—For any week with respect to which or a part of which he has received or its seeking compensation for temporary disability under any workmen's compensation law; provided that if it is finally determined he is not entitled to such compensation, this disqualification shall not apply; and provided further, that if such compensation is less than the benefits which would otherwise be due under this chapter, he shall be entitled to receive for such week, if otherwise eligible, benefits reduced by the amount of such payment.

(10) EMPLOYMENT BY PUBLIC WORKS AGENCY, ETC.—For any week that such individual is engaged or employed by the works progress administration, the national youth administration, or any federal or state unit, agency or instrumentality in charge of public works, assistance through public employment, or work relief.

(11) SELF-EMPLOYMENT.—For any week in which he is self-employed and each week thereafter until he shall establish that he is no longer self-employed.

(12) RECEIPT OF, OR APPLICATION FOR, TRAINING ALLOWANCE, ETC.—For any week with respect to which or a part of which an individual who is enrolled in a course of training with the approval of the director, within the meaning of subdivision (3) of section 25-4-77, has applied for or is entitled to receive any wage or subsistence or training allowance or other form of remuneration, other than reimbursement for travel expenses, for a course of training under any public or private training program; provided that if it is finally determined that he is not entitled to such remuneration, this disqualification shall not apply. If the remuneration, the receipt of which is disqualifying under this subdivision (12), is less than the weekly benefits which he would otherwise be due under this chapter he shall be entitled to receive, if otherwise eligible, weekly benefits reduced by the amount of such remuneration.

(13) SERVICE OF EDUCATIONAL INSTITUTION IN INSTRUCTIONAL, ETC., CAPACITY. Notwithstanding any other provision of this title no benefits based on service in an instructional, research or principal administrative capacity for an institution of education, except an institution of higher education to which the provisions of subsection (b) of section 25-4-70 apply, shall be payable for any week commencing during the period between two successive academic years, or during a similar period between two regular terms, whether or not successive, or during a period of paid sabbatical leave, to any individual who has a contract or contracts to perform services in any such capacity for any institution or institutions of education for both such academic years or both such terms.

PARTICIPATION IN PROFESSIONAL SPORTS.—For any week which commences during the period between two successive sport seasons (or similar periods) to any individual for which benefits claimed are on the basis of any services, substantially all of which consist of participating in sports or athletic events or training or preparing to so participate, if such individual

performed such services in the first of such seasons (or similar periods) and there is a reasonable assurance that such individual will perform such services in the later of such seasons (or similar periods).

(14) ALIENS.—

a. For any week for which benefits claimed are on the basis of services performed by an alien unless such alien is an individual who was lawfully admitted for permanent residence at the time such services were performed, was lawfully present for purposes of performing such services, or was permanently residing in the United States under color of law at the time such services were performed (including an alien who is lawfully present in the United States as a result of the application of the provisions of section 203(a)(7) or section 212(d)(5) of the Immigration and Nationality Act).

b. Any data or information required of individuals applying for benefits to determine whether benefits are not payable to them because of their alien status shall be uniformly required from all applicants for benefits.

c. In the case of an individual whose application for benefits would otherwise be approved, no determination that benefits to such individual are not payable because of his alien status shall be made except upon a preponderance of the evidence."

Section 3. Section 25-4-134, Code of Alabama 1975, as last amended, is hereby amended to read:

"§ 25-4-134. Procedures for collection of delinquent contribution payments.

(a) The contributions, interest and penalties required to be paid under this chapter shall be a first and prior lien upon all property and rights to property, real or personal, of any employer subject to this chapter. The lien shall arise at the time the contribution report, or the payment of the contributions, as the case may be, was due to have been filed with or made to the department of industrial relations. The director may file in the office of the judge of probate of any county in this state a certificate which shall show the name of the department for which it is filed, the amount and nature of the contributions, interest and penalties for which a lien is claimed together with any costs that may have accrued, the name of the employer against whose property a lien for such contributions, interest and penalties is claimed and the date thereof. An error in the certificate of the amount shall not invalidate the lien for the amount actually due. Such certificates shall be indexed and recorded under the same provision of law of this state relating to the filing and recording of certificates of judgment, and without costs; provided, however, that such lien shall be effective as to purchasers, mortgagees and judgment creditors only from the time a certificate shall have been duly filed for record in the office of the judge of probate in the county wherein is located the property to be subjected to such lien.

(a)(b) Civil actions.

(1) LIEN—The director shall insure the payment of the amount of any contributions, interest and penalties required to be paid under this chapter by filing a lien as prescribed in subsection (a) of this section, against any employer who has not made such payments by the due date.

(1)(2) ATTACHMENT, ETC.—If, after due notice, an employer defaults in the payment of contributions, interest or penalties provided by this chapter, the amount due may be collected by civil suit in the name of the

director, which shall include the right of attachment. Civil actions brought under this section to collect contributions, interest and penalties thereon from an employer shall be heard by the court at the earliest possible date, and shall be entitled to preference upon the calendar of the court over all other civil actions, except cases arising under chapter 5 of this title and article 5 of this chapter. In addition to or independently of the above remedy by civil action, the director may proceed in the manner set out hereinafter.

(2)(3) INJUNCTION AGAINST EMPLOYMENT.—After due notice an employer failing to make reports or defaulting in any payment of contribution or interest thereon, as levied under this chapter, for a period of 90 days after the date such reports or contributions are due, and who has not ceased to be an employer, as provided in sections 25-4-130 and 25-4-131, may be enjoined from employing individuals in employment, as defined in this chapter, upon the complaint of the director filed in the circuit court of any county in which the employer has his or its headquarters or his or its primary place of doing business; and such employer so failing to make reports or to pay contributions levied hereunder shall, as part of the court judgment or order, be enjoined from employing individuals in employment until such returns shall have been made and the contributions shown by any proceedings provided by this chapter to be due thereunder shall have been paid to the director.

(4) Garnishment.—

The director shall have authority to issue writs of garnishment directed to any sheriff of Alabama or any final assessment made by the director and upon such garnishment the sheriff shall proceed the same as though the garnishment was issued by a circuit court, and he shall make due return thereof to the director within 60 days after the issuance thereof.

(5) Levy Upon Execution.—

Whenever any contributions, interest and penalties required to be paid under this chapter are not paid within 30 days of the date due and upon final assessment in any of the manners provided in this section, the director is authorized to issue an execution therefor directed to any sheriff of the state of Alabama, commanding him to levy upon and sell the real and personal property of the employer against whom such execution is directed, found in his county, for the payment of contributions and interest due, together with penalties assessed. The sheriff shall, within five days after the receipt thereof, file with the clerk of the circuit court of his county a copy thereof and thereupon the circuit clerk shall enter in the judgment roll in the column of judgment debtors the name of the employer named in the execution, the amount of contributions, interest and penalties for which the execution is issued and the date when such copy is filed. The sheriff shall thereupon levy upon any property of the employer with like effect and in the manner prescribed by law in respect to executions issued upon judgments of the circuit court and the remedies of attachment and garnishment shall apply fully to such executions, and the officer shall be entitled to the same fees for his services as now allowed by law for like services, to be collected in the same manner as now provided by law for like services. The sheriff shall make due return of such execution within 60 days of the issuance thereof to the director and upon such return alias executions may be issued by the director and such shall be executed in the same manner. Whenever any execution is issued by the department of industrial relations for the collection of any unemployment compensation taxes owing said department by an employer, such execution, duly attested by the director of said department, or his authorized

agent, shall be sufficient warrant to the sheriff to whom the same is directed to levy on the property of the employer against whom said execution is directed and the sheriff shall forthwith execute such writ without demanding or requiring any indemnifying bond or other protective obligation and the said writ of execution issued by the department for the collection of unemployment taxes due it shall be sufficient defense to any civil action for damages on any grounds other than the willful, wanton or malicious conduct of the officer making the levy.

Sales under executions issued hereunder shall be held as provided by the laws of Alabama. At any such sale the director of his authorized agent shall be empowered to act on behalf of the state of Alabama in bidding at any such sale.

(b)(c) Assessments.

(1) ASSESSMENT OF CONTRIBUTIONS AND PENALTIES DUE.

a. If an employer fails to make and file with the department any report as and when required by the terms and provisions of this chapter or by any rule and regulation of the director for the purpose of determining the amount of contributions due by said employer under this chapter or if any report which is filed is deemed by the director to be incorrect or insufficient the director may issue a written notice by registered or certified mail to such employer, addressed to his last known address or place of business, to make such report or reports forthwith, and if such employer fails or refuses to make such report within 15 days from the date of such notice, then the director shall make a report for such employer upon such information as he may reasonably obtain, and shall assess the contributions and penalties due thereon and interest at the rate of one percent per month, or fraction thereof, from the date such contributions were due.

b. If an employer who has made and filed with the department any report required and such report is signed by the employer or his duly authorized representative but he has not paid, or has not paid in the correct amount, any contribution due within 30 days from the date due, then the director shall assess the correct amount of contributions due to be paid along with penalties due thereon and interest at the rate of one percent per month, or fraction thereof, from the date such contributions were due, without any further notice or hearing as is provided for in subdivision (2) of the subsection (c) and such assessment shall be final unless an appeal is taken as is provided in subdivision (3) of this subsection (c).

c. If any report which is filed is deemed by the director to be incorrect, incomplete or insufficient, the director may issue a written notice by registered or certified mail to such employer, addressed to his last known address or place of business, to make such report correct, complete or sufficient forthwith, and if such employer fails or refuses to do within 15 days from the date of such notice, then the director shall make such corrections or completions upon such information as he may reasonably obtain and shall, without further notice or hearing, assess the contribution and penalties due thereon and interest at the rate of one percent per month or fraction thereof from the date such contributions were due and such assessment shall be final unless an appeal is taken as is provided in subdivision (3) of this subsection (c).

(2) NOTICE OF ASSESSMENT AND HEARING: REVISION OF ASSESSMENT.—

a. Whenever the director shall make an assessment against an employer as provided in this section, the director shall notify the employer by registered or certified mail of the amount of such assessment and shall notify the employer to appear before him on a day named not less than 15 days from the date of such notice and show cause why such assessment should not be made final. Such appearance may be made by agent or attorney. If no showing is made on or before the date fixed in said notice or if such showing is not sufficient in the judgment of the director, such assessment shall be made final in the amount originally fixed or in such other amount as is determined by the director to be correct. If, upon such hearing, the director finds the amount due to be different from that originally assessed, he shall make the assessment final in the correct amount and in all cases shall notify the employer of the assessment as finally fixed. A notice by the United States registered or certified mail addressed to the employer's last known address or place of business shall be sufficient. Any assessment made by the director shall be prima facie correct upon appeal.

b. If, after the assessment has become final, the employer files the report for the period covered by the assessment and the report is substantiated by reasonable evidence, the director may, for good cause and at his discretion correct the assessment, either upward or downward, provided the report and substantiation is filed with him not later than four years after the date on which the report originally became due.

(3) APPEAL FROM ASSESSMENTS.—

a. Whenever any employer who has duly appeared and protested an assessment by the director under the provisions of paragraph (1)a of subdivision (1) of this subsection (b), is dissatisfied with the assessment as finally made, he may appeal as provided in this section subdivision(3); however, no appeal shall lie in cases where the employer has failed to appear and protest.

b. If an employer against whom an assessment is made by the director is dissatisfied with the final assessment as fixed by the director under any of the provisions of subdivision (1) of this subsection (b) and duly protests the fixing of the same, he may appeal from said final assessment to the circuit court of Montgomery county, or to the circuit court of the county in which the employer resides or has his principal place of business, if the employer has within the state a permanent residence, at the option of the employer, by filing notice of appeal with the director and with the register of the circuit court of the county to which appeal shall be taken, within 30 days of the date of the final assessment made and entered on the minutes of the department, and in addition thereto by giving bond conditioned to pay all costs, to be filed with and approved by the register or clerk of the court to which the appeal shall be taken. The employer shall pay the assessment so made before the appeal is filed, or the court shall upon motion dismiss such appeal, unless at the time of taking the appeal the employer has executed a supersedeas bond with sufficient sureties to be approved by the register or clerk of the court to which the appeal shall be taken in double the amount of contributions, interest and penalties, payable to the director, conditioned to pay all contributions, interest, penalties and costs found to be due the department of industrial relations. In such appeal, the employer shall be styled the appellant and the director shall be styled the appellee. The assessment made by the director shall be prima facie correct, and the burden shall be on the employer to show that such assessment is incorrect. The circuit court, or court of civil appeals or the supreme court of Alabama on appeal, may, if it be of the opinion from all the evidence that the assessment as made is either too high

or too low, fix the amount of such assessment. The court shall hear such appeals according to its own rules and methods of procedure so far as practicable and shall decide all questions both as to legality of the assessment and the amount thereof. No court shall have the power to enjoin the payment of any contributions, interest or penalty due on such assessment so appealed or to suspend the payment thereof. From the judgment of the circuit court, the employer or the director may appeal to the court of civil appeals if the amount involved, exclusive of interest and costs, does not exceed $10,000.00, or to the supreme court of Alabama if said amount exceeds $10,000.00, within 30 days of the rendition of the judgment upon giving such security for the cost of such appeal as approved by the register or clerk of the circuit court from which the appeal shall be taken. If upon such appeal the assessment made by the director is reduced, the court, upon proof of payment of said contributions, interest and penalties, shall ascertain and recite such fact in the judgment and shall ascertain and determine by its judgment and order the amount of contributions, interest and penalties which was invalid and the director shall thereupon refund to the employer the amount so ascertained by the court to be invalid.

(4) COLLECTION OF ASSESSMENTS.—a. If no appeal is taken from the final assessment of any contributions, interest or penalties imposed by this chapter within the time allowed by law and such contributions, interest or penalties remain unpaid for 15 days after such assessment, or if signed reports have been filed with the department of industrial relations showing the amount of such contributions which are due and such contributions are not paid within 30 days after such signed reports are so filed, then in either event the director may issue an execution therefor directed to any sheriff of the state of Alabama, commanding him to levy upon and sell the real and personal property of the employer against whom such execution is directed, found in his county, for the payment of contributions and interest due, together with penalties assessed. The sheriff shall, within five days after the receipt thereof, file with the clerk of the circuit court of his county a copy thereof and thereupon the circuit clerk shall enter in the judgment roll in the column of judgment debtors the name of the employer named in the execution, the amount of contributions, interest and penalties for which the execution is issued and the date when such copy is filed. The sheriff shall thereupon levy upon any property of the employer with like effect and in the manner prescribed by law in respect to executions issued upon judgments of the circuit court and the remedies of attachment and garnishment shall apply fully to such executions, and the officer shall be entitled to the same fees for his services as now allowed by law for like services, to be collected in the same manner as now provided by law for like services. The sheriff shall make due return of such execution within 60 days of the issuance thereof to the director and upon such return alias executions may be issued by the director and such shall be executed in the same manner. Whenever any execution is issued by the department of industrial relations for the collection of any unemployment compensation taxes owing said department by an employer, such execution, duly attested by the director of said department or his authorized agent, shall be sufficient warrant to the sheriff to whom the same is directed to levy on the property of the employer against whom said execution is directed and the sheriff shall forthwith execute such writ without demanding or requiring any indemnifying bond or other protective obligation and the said writ of execution issued by the department for the collection of unemployment taxes due it shall be sufficient defense to any civil action for damages or any grounds other than the willful, wanton or malicious conduct of the officer making the levy.

b. The director shall have authority to issue writs of garnishment directed to any sheriff of Alabama on any final assessment made by the director and upon such garnishment the sheriff shall proceed the same as though the garnishment was issued by a circuit court, and he shall make due return thereof to the director within 60 days after the issuance thereof.

e. The contributions, interest and penalties required to be paid under this chapter shall be a first and prior lien upon all property and rights to property, real or personal, of any employer subject to this chapter. The lien shall arise at the time the contribution report, or the payment of the contributions, as the case may be, was due to have been filed with or made to the department of industrial relations. The director may file in the office of the judge of probate of any county in this state a certificate which shall show the name of the department for which it is filed, the amount and nature of the contributions, interest and penalties for which a lien is claimed together with any costs that may have accrued, the name of the employer against whose property a lien for such contributions, interest and penalties is claimed and the date thereof. An error in the certificate of the amount shall not invalidate the lien for the amount actually due. Such certificates shall be indexed and recorded under the same provision of law of this state relating to the filing and recording of certificates of judgment, and without costs, provided, however, that such lien shall be effective as to purchasers, mortgages and judgment creditors only from the time a certificate shall have been duly filed for record in the office of the judge of probate in the county wherein is located the property to be subjected to such lien.

d. Sales under executions issued hereunder shall be held as provided by the laws of Alabama. At any such sale the director or his authorized agent shall be empowered to act on behalf of the state of Alabama in bidding at any such sale.

If contributions, interest or penalties are not paid within 15 days from the date of final assessment where no appeal is taken, or within 15 days of the date upon which any decision is issued upon an appeal is made final, the director shall take any action to collect as he may be authorized by any of the provisions of this section.

(e) (d) Bonds.

(1) SURETY BOND OR CASH DEPOSIT FROM CONTRACTOR.—Any contractor primarily engaged in contract construction who is or becomes an employer, as defined by this chapter, and who is or becomes delinquent for any contributions due under this chapter may be required to post with the director a blanket surety bond by a licensed surety company authorized to do business in the state of Alabama in an amount which the director shall determine to be sufficient for the payment of all unemployment compensation taxes which will be due to the state for a period of not less than one year by virtue of its operations. In the alternative, said contractor may file a surety bond with respect to each contract. Further, in lieu of such security bond, he or it may deposit with the director in cash an amount equal thereto. These deposits shall be held by the director in a special deposit fund account established for that purpose; provided further, no bond or cash deposit shall be required for an amount to exceed $10,000.00 unless in the opinion of the director a larger amount is necessary.

(2) WITHHOLDING OF LICENSE FROM CONTRACTOR.—The Alabama state licensing board for general contractors or any other licensing agency of the state of Alabama is hereby authorized to, and upon petition by

the director shall, withhold any license from any contractor subject to the provisions of this section until the provisions of this subsection (c) (d) have been complied with.

(3) RELEASE OF CONTRACTOR.—Any "employer" contractor shall cease to be subject to the provisions of this subsection (c) (d) after he or it has been an employer as defined in this chapter within this state for a period of 12 calendar quarters and has paid all contributions due under the provisions of this chapter. Any employer who ceases to be subject to the provisions of this subsection (c) (d) as provided in this subdivision

(3) or was excepted under the provisions of subdivision (1) of this subsection (c) (d) and who later became delinquent for any contributions shall again become subject to such provisions until he or it again becomes eligible for release in accordance with the provisions of this subsection (c) (d). When any contractor ceases operations or is otherwise released from the requirements under this section, he or it shall be entitled to have his or its bond cancelled or cash deposit refunded upon payment of all contributions, interest and penalties due under the provisions of this chapter.

(4) PROCEEDINGS AGAINST SURETY, ETC.—If an "employer" contractor fails to pay any contributions, interest and penalties provided for in this chapter when they become due, the director may call upon the surety company for the payment thereof or cause them to be paid by deducting the amount due from the contractor's cash deposit. Any employer subject to the provisions of this subsection (c) (d) who fails to comply thereto shall be enjoined from any further operations until the provisions of this subsection (c) (d) have been complied with."

Section 4. All laws and parts of laws in conflict herewith are hereby repealed.

Section 5. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and for this purpose the provisions of this act are severable.

Section 6. This act to take effect immediately upon its passage and approval by the Governor or its otherwise becoming law.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Glass	Lemaster	St. John
Bailey	Goodwin	Little	Smith
Barron	Harrison	Martin	Taylor
Callahan	Higginbotham	McDonald	Vacca
Cook	Holmes	Miller	Weeks
Denton	Kirkland	Mitchem	White

Figures —24

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The House has received the accompanying message from His Excellency, the Governor, proposing an amendment to the Bill:

H. 860. To provide additional revenue in Barbour County; levying in that part of Barbour County outside the corporate limits of the city of Eufaula special county privilege license and excise taxes paralleling, at lower rates, state sales and use taxes as provided for in Chapter 23 of Title 40 of the Code of Alabama 1975; providing for the ascertainment, collection, payment, distribution and use of the proceeds of such license tax, and for the enforcement of the act by the state department of revenue; and prescribing penalties and fixing punishment for violations of the act; and to provide a referendum election.

Said Governor's Message being in words and figures as follows, to-wit:

MESSAGE FROM THE GOVERNOR

To The House of Representatives
State Capitol
Montgomery, Alabama

Ladies and Gentlemen:

I transmit herewith a Message from the Governor concerning House Bill Number 860, without his signature and approval and with a suggested Executive Amendment.

Respectfully submitted,

JAMES E. FOY,
Executive Secretary.

Done this 30th day of July, 1979.

To The House of Representatives of Alabama
State Capitol
Montgomery, Alabama

Ladies and Gentlemen:

I am returning to you, the Body in which it originated, House Bill 860, without my approval and with the following suggested executive amendment:

Amend Section 9 of the Substitute for House Bill 860 by striking the following language beginning on line 11 of page 13: "on the same day as the next general or special election" and inserting in lieu thereof the following language:

upon the call of the probate judge of Barbour County, not less than 30 days nor more than 60 days

The adoption of the above suggested amendment will remove my objection to the bill.

Respectfully,

FOB JAMES,
Governor.

And the House has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, by a vote of a majority of those voting, said vote being: Yeas 44, Nays 0.

And said Bill, as amended by the Executive Amendment, was again read at length and passed by a vote of a majority of those voting, said vote being: Yeas 48, Nays 0.

And said Bill, H. 860, together with the Executive Amendment, is herewith sent to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE AND GOVERNOR'S MESSAGE

On motion of Mr. Weeks, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, H. B. 860, the title of which and said Executive amendment are set out in the foregoing Message from the House.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Kirkland	Pearson	
Bailey	Glass	Little	Proctor	
Britnell	Goodwin	Martin	Smith	
Callahan	Gulledge	McDonald	Taylor	
Clemon	Hall	Miller	Teague	
Cook	Higginbotham	Parsons	Weeks	
Denton	Keener			—25
Nays:				—0

which was a majority of the whole number elected to the Senate.

MESSAGE FROM THE GOVERNOR

To The Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I transmit herewith a Message from the Governor, concerning Senate Bill Number 136, without his signature and approval and with a suggested Executive Amendment.

Respectfully submitted,

JAMES E. FOY,
Executive Secretary.

Done this 30th day of July, 1979.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I am returning to you, the Body in which it originated, Senate Bill Number 136 without my signature and approval and with the following suggested Executive Amendment.

Section 6, page 4, line 12, delete "General Fund" and substitute in lieu thereof "Public Road and Bridge Fund."

The adoption of the above and foregoing suggested Executive Amendment will remove my objections to this Bill.

Respectfully,

FOB JAMES,
Governor.

GOVERNOR'S MESSAGE

On motion of Mr. Callahan, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill:

S. 136. To authorize designated agents to issue temporary license tags and temporary registration certificates for motor vehicles to be permanently licensed outside the state of Alabama; to authorize manufacturers and dealers of mobile homes, trailer coaches, travel trailers or house trailers to issue temporary license tags and registration certificates for such vehicles which are to be licensed outside Alabama; to authorize probate judges or other county officials authorized and required by law to issue motor vehicle license tags to issue temporary license tags and temporary registration certificates when a permanent license tag cannot be immediately issued or when other good cause exists; to provide for the period of validity of such temporary license tags and registration certificates; to provide for the fees to be collected, records to be maintained, and forms to be utilized in connection with issuance of temporary license tags and registration certificates; to empower the department of revenue with the authority to adopt rules and regulations, prescribe forms and otherwise implement the provisions of the Act; and to impose criminal penalties for violation of the provisions of the Act.

which said amendment is set out in the foregoing Message from the Governor, by a vote of

Yeas 24; Nays 0.

Yeas:

Messrs.:	Figures	Little	St. John	
Bailey	Glass	Martin	Smith	
Barron	Goodwin	McDonald	Taylor	
Britnell	Harrison	Miller	Vacca	
Callahan	Higginbotham	Mitchem	Weeks	
Cook	Kirkland	Proctor	White	
Denton				—24

Nays: —0

which was a majority of the whole number elected to the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has received the accompanying message from His Excellency, the Governor, proposing an amendment to the Bill:

H. 157. To amend Sections 34-27-4, 34-27-31 and 34-27-35 of the Code of Alabama 1975, as amended, Regular Session, 1978, Acts No. 654, pertaining to qualifications for real estate broker and real estate salesmen licensees, so as to establish a "Real Estate Recovery Fund"; to provide procedural rights for aggrieved parties in certain real estate transactions and to provide for the termination of the license of any person against whom a judgment creates a claim against such fund; and to further provide for certain fees and the distribution thereof.

Said Governor's Message being in words and figures as follows, to-wit:

MESSAGE FROM THE GOVERNOR

To The House of Representatives
State Capitol
Montgomery, Alabama

Ladies and Gentlemen:

I transmit herewith a Message from the Governor concerning House Bill Number 157, without his signature and approval and with suggested Executive Amendments.

Respectfully submitted,

JAMES E. FOY,
Executive Secretary.

Done this 30th day of July, 1979.

To The House of Representatives
State Capitol
Montgomery, Alabama

Ladies and Gentlemen:

I am returning to you, the Body in which it originated, House Bill Number 157 without my signature and approval and with the following suggested Executive Amendments.

Amend Subsection (f) on page 13, line 22, between the words "invested" and "in" insert the words "by the state treasurer".

Amend Subsection (f) on page 13, line 24, delete the remainder of Subsection (f) after the word "state." and insert in lieu thereof the following:

"Any interest or other income from investments of this fund shall be deposited in the state treasury."

The adoption of the above and foregoing suggested Executive Amendment will remove my objections to this Bill.

Respectfully,

FOB JAMES,
Governor.

And the House has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, by a vote of a majority of the whole number elected to the House, said vote being: Yeas 55, Nays 0.

And said Bill, as amended by the Executive Amendment, was again read at length and passed by a vote of a majority of the whole number elected to the House, said vote being: Yeas 65, Nays 0.

And said Bill, H. 157, together with the Executive Amendment, is herewith sent to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE AND GOVERNOR'S MESSAGE

On motion of Mr. White, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, H. B. 157, the title of which and said Executive amendment are set out in the foregoing Message from the House.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Higginbotham	Martin	St. John
Bailey	Holmes	McDonald	Smith
Callahan	Keener	Miller	Taylor
Denton	Kirkland	Mitchem	Vacca
Hall	Little	Proctor	White

—19

Nays: —0

which was a majority of the whole number elected to the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has received the accompanying message from His Excellency, the Governor, proposing an amendment to the Bill:

H. 1009. Relating to Lauderdale County; providing further for the salary of the members of the Board of Equalization, payable pursuant to Section 40-3-8 of the Code of Alabama 1975, with the municipality, county and state sharing the costs therefor; and providing for retroactive effect to May 15, 1979.

Said Governor's Message being in words and figures as follows, to-wit:

MESSAGE FROM THE GOVERNOR

To The House of Representatives
State Capitol
Montgomery, Alabama

Ladies and Gentlemen:

I transmit herewith a Message from the Governor concerning House Bill Number 1009, without his signature and approval and with a suggested Executive Amendment.

Respectfully submitted,

JAMES E. FOY,
Executive Secretary.

Done this 30th day of July, 1979.

To The House of Representatives
State Capitol
Montgomery, Alabama

Ladies and Gentlemen:

I am returning to you, the Body in which it originated, House Bill Number 1009 without my signature and approval and with the following suggested Executive Amendment.

Delete the last sentence of Section 1 and insert in lieu thereof the following sentence:

"The cost of such sums, to the extent that they exceed the amounts authorized under Section 40-3-8 of the Code of Alabama, 1975, shall be borne equally to the county and municipality."

The adoption of the above and foregoing suggested Executive Amendment will remove my objections to this Bill.

Respectfully,

FOB JAMES,
Governor.

And the House has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, by a vote of a majority of the whole number elected to the House, said vote being: Yeas 60, Nays 0.

And said Bill, as amended by the Executive Amendment, was again read at length and passed by a vote of a majority of the whole number elected to the House, said vote being: Yeas 54, Nays 0.

And said Bill, H. 1009, together with the Executive Amendment, is herewith sent to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE AND GOVERNOR'S MESSAGE

On motion of Mr. Denton, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, H. B. 1009, the title of which and said Executive amendment are set out in the foregoing Message from the House.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	McDonald	Smith	
Bailey	Glass	Miller	Taylor	
Barron	Hall	Mitchem	Teague	
Britnell	Holmes	Parsons	Vacca	
Callahan	Keener	Pearson	Weeks	
Clemon	Little	Proctor	White	
Cook	Martin			—25

Nays: —0

which was a majority of the whole number elected to the Senate.

BILLS ON THIRD READING RESUMED

The Bill:

H. 907. To provide one investigator for the District Attorney of the Twenty-third Judicial Circuit and to prescribe compensation and provide authority and power; to provide investigative equipment.

was taken up.

Mr. McDonald offered the following substitute for the Bill, H. B. 907, to-wit:

SUBSTITUTE FOR H. B. 907

A BILL
TO BE ENTITLED
AN ACT

To provide two investigators for the District Attorney of the Twenty-third Judicial Circuit and to prescribe compensation and provide authority and power.

Be It Enacted by the Legislature of Alabama:

Section 1. The District Attorney for the Twenty-third Judicial Circuit is hereby authorized to appoint two investigators for such office (one of whom shall be the Trial Coordinator).

Section 2. Compensation of said investigator shall be a minimum of Ten thousand five hundred and no/100 dollars ($10,500.00) and a maximum of Sixteen thousand five hundred and no/100 dollars ($16,500.00), which shall be paid from the General Fund of Madison County, Alabama, in equal biweekly installments as other county employees are paid. The annual compensation paid the investigator shall be subject to cost-of-living adjustments as authorized for other employees of Madison County, Alabama.

Section 3. The Personnel Board of Madison County shall establish the salary level for each investigator provided herein, provided, however, that no investigator who is currently employed shall have his salary reduced.

Section 4. The investigators for the Twenty-third Judicial Circuit shall have the same authority and powers vested in deputy sheriffs and all other peace officers of the State of Alabama. He shall be responsible to the District Attorney for the Twenty-third Judicial Circuit and shall perform all duties assigned to him by the District Attorney.

Section 5. All laws or parts of laws which conflict with the Act are repealed.

Section 6. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. This Act shall become effective on October 1, 1979.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Little	Robertson	
Bailey	Glass	McDonald	Smith	
Barron	Gulledge	Mitchem	Teague	
Britnell	Hall	Parsons	Vacca	
Clemon	Holmes	Pearson	Weeks	
Cook	Keener	Proctor	White	
Denton	Lemaster			—25
Nays:				—0

And said Bill, H. B. 907, as thus amended by the substitute, was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Little	Robertson	
Bailey	Glass	McDonald	Smith	
Barron	Gulledge	Mitchem	Teague	
Britnell	Hall	Parsons	Vacca	
Clemon	Holmes	Pearson	Weeks	
Cook	Keener	Proctor	White	
Denton	Lemaster			—25
Nays:				—0

The Bill:

H. 174. To authorize the director of the department of public safety to restrict driving in the extreme left side in any portion of any interstate highway, or of any highway of sufficient width, except for overtaking and passing; and to provide notice to the state highway director.

was read a third time at length and passed.

Yeas 20; Nays 0.

Yeas:

Messrs.:	Goodwin	Kirkland	Smith	
Bailey	Hall	Little	Taylor	
Callahan	Harrison	Martin	Vacca	
Clemon	Higginbotham	Mitchem	Weeks	
Denton	Holmes	Proctor	White	
Glass				—20
Nays:				—0

The Bill:

H. 722. To amend Section 7 of Act No. 12, S. 56, Second Special Session 1978 (Acts 1978, p. 1616), the Educational Appropriation Act for the fiscal year ending September 30, 1979, so as to further provide for the allocation to the nursing programs at the George C. Wallace Community College—Technical Branch—Dothan.

was read a third time at length and passed.

Yeas 22; Nays 0.

Yeas:

Messrs.:	Denton	Higginbotham	Proctor	
Bailey	Glass	Little	Smith	
Britnell	Goodwin	Martin	Taylor	
Callahan	Gulledge	Miller	Teague	
Clemon	Hall	Mitchem	White	
Cook	Harrison	Parsons		—22

Nays: —0

The Bill:

H. 561. To make unlawful the obtaining or attempting to obtain public housing accommodations by means of false statement or other fraudulent scheme or device; to define "Public Housing"; to require notice of the act on applications for public housing accommodations; and to prescribe punishment for violation.

was taken up.

Mr. Clemon moved that consideration of the Bill, H. B. 561, be postponed temporarily.

On motion of Mr. Cook, the motion to postpone was laid on the table.

Yeas 25; Nays 2.

Yeas:

Messrs.:	Glass	Little	St. John	
Bailey	Goodwin	Martin	Smith	
Britnell	Harrison	Miller	Taylor	
Callahan	Higginbotham	Mitchem	Teague	
Cook	Holmes	Parsons	Weeks	
deGraffenried	Kirkland	Robertson	White	
Denton	Lemaster			—25

Nays: Messrs.: Clemon, Figures. —2

MESSAGE FROM THE HOUSE

Mr. President:

The House has received the accompanying message from His Excellency, the Governor, proposing an amendment to the Bill:

H. 501. To require any person, firm, or corporation which operates, constructs, or maintains a nuclear powered electric generating facility licensed by the U. S. Nuclear Regulatory Commission to conduct inquiries into the criminal records of any employee who performs duties at such facility; to require that fingerprint cards of such employee be submitted by his employer to the Alabama Department of Public Safety requiring a search to be conducted of state and federal criminal history files with the results thereof being furnished to submitting employer; to provide exemptions of certain employees from the provisions of this Act; and to relieve and hold harmless the Department of Public Safety from any liability arising from disclosure of criminal history records provided under the provisions of this Act.

Said Governor's Message being in words and figures as follows, to-wit:

MESSAGE FROM THE GOVERNOR

To The House of Representatives
State Capitol
Montgomery, Alabama

Ladies and Gentlemen:

I transmit herewith a Message from the Governor concerning House Bill Number 501, without his signature and approval and with a suggested Executive Amendment.

Respectfully submitted,

JAMES E. FOY,
Executive Secretary.

Done this 30th day of July, 1979.

To The House of Representatives
State Capitol
Montgomery, Alabama

Gentlemen:

I am returning to you, the Body in which it originated, House Bill Number 501, without my signature and approval and with the following suggested Executive Amendment.

Amend House Bill Number 501, page 2, line 28, by inserting after Section 5 a new Section 6, to read as follows:

"Section 6. All costs of implementing this Act are to be borne by any person, firm or corporation which operates, constructs or maintains a nuclear powered electric generating facility within the state licensed by the U. S. Nuclear Regulatory Commission on whose behalf these inquiries are made."

Subsequent sections should then be renumbered.

The adoption of the above and foregoing suggested Executive Amendment will remove my objections to this Bill.

Respectfully,

FOB JAMES,
Governor.

And the House has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, by a vote of a majority of the whole number elected to the House, said vote being: Yeas 62, Nays 0.

And said Bill, as amended by the Executive Amendment, was again read at length and passed by a vote of a majority of the whole number elected to the House, said vote being: Yeas 60, Nays 0.

And said Bill, H. 501, together with the Executive Amendment, is herewith sent to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE AND GOVERNOR'S MESSAGE

On motion of Mr. Bailey, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, H. B. 501, the title of which and said Executive amendment are set out in the foregoing Message from the House.

Yeas 23; Nays 0.

Yeas:

Messrs.:	Goodwin	Lemaster	Smith
Bailey	Gulledge	Little	Taylor
Barron	Hall	Mitchem	Teague
Britnell	Harrison	Proctor	Vacca
Denton	Higginbotham	Robertson	Weeks
Glass	Holmes	St. John	White

—23

Nays: —0

which was a majority of the whole number elected to the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has received the accompanying message from His Excellency, the Governor, proposing an amendment to the Bill:

H. 275. To raise revenue by levying a privilege or excise tax on every person licensed under the provisions of Title 28, Article 4, Code of Alabama 1975, who sells, stores, or receives for the purpose of distribution, malt or brewed beverages; to provide for the collection and distribution of the proceeds of said tax; to prescribe penalties for failure to collect or pay the tax or for possession of unidentified malt or brewed beverages; to provide for identification of such beverages; and to supersede and repeal Title 28, Article 5, Chapter 3, Code of Alabama 1975, and repeals other conflicting laws.

Said Governor's Message being in words and figures as follows, to-wit:

MESSAGE FROM THE GOVERNOR

To The House of Representatives
State Capitol
Montgomery, Alabama

Ladies and Gentlemen:

I transmit herewith a Message from the Governor concerning House Bill Number 275, without his signature and approval and with a suggested Executive Amendment.

Respectfully submitted,

JAMES E. FOY,
Executive Secretary.

Done this 30th day of July, 1979.

To The House of Representatives
State Capitol
Montgomery, Alabama

Ladies and Gentlemen:

I am returning to you, the Body in which it originated, House Bill Number 275 without my signature and approval and with the following suggested Executive Amendment.

Page 7, delete Section 8 and add a new Section 8 as follows:

"Section 8. This act shall become effective on October 1, 1980, following its passage and approval by the Governor."

The adoption of the above and foregoing suggested Executive Amendment will remove my objections to this Bill.

Respectfully,

FOB JAMES,
Governor.

And the House has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, by a vote of a majority of the whole number elected to the House, said vote being: Yeas 52, Nays 1.

And said Bill, as amended by the Executive Amendment, was again read at length and passed by a vote of a majority of the whole number elected to the House, said vote being: Yeas 59, Nays 1.

And said Bill, H. 275, together with the Executive Amendment, is herewith sent to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE AND GOVERNOR'S MESSAGE

On motion of Mr. Callahan, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, H. B. 275, the title of which and said Executive amendment are set out in the foregoing Message from the House.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Goodwin	Holmes	St. John
Bailey	Gulledge	Kirkland	Taylor
Barron	Hall	Little	Vacca
Callahan	Harrison	Mitchem	Weeks
Denton	Higginbotham	Proctor	White

—19

Nays: —0

which was a majority of the whole number elected to the Senate.

REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 174. EXTENDING THE PROVISIONS OF ACT NO. 79-54, H. J. R. 3, OF THE FIRST SPECIAL SESSION OF 1979, WHICH CREATED A JOINT INTERIM COMMITTEE OF THE LEGISLATURE TO STUDY A NEW STATE CONSTITUTION.

On motion of Mr. St. John, said Resolution was then adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has received the accompanying message from His Excellency, the Governor, proposing an amendment to the Bill:

H. 455. To amend Section 9-11-44, Code of Alabama 1975, relating to annual residence hunting licenses, so as to increase the fee for such licenses.

Said Governor's Message being in words and figures as follows, to-wit:

MESSAGE FROM THE GOVERNOR

To The House of Representatives
State Capitol
Montgomery, Alabama

Ladies and Gentlemen:

I transmit herewith a Message from the Governor concerning House Bill Number 455, without his signature and approval and with a suggested Executive Amendment.

Respectfully submitted,

JAMES E. FOY,
Executive Secretary.

Done this 30th day of July, 1979.

To The House of Representatives
State Capitol
Montgomery, Alabama

Ladies and Gentlemen:

I am returning to you, the Body in which it originated, House Bill Number 455 without my signature and approval and with the following suggested Executive Amendment.

Page 2, add new Section 2 and renumber remaining sections accordingly.

"Section 2. All monies received under the provisions of this Act for the fiscal year ending September 30, 1980 are hereby allotted, appropriated and released to the Department of Conservation and Natural Resources, Division of Game and Fish, and may be used by the Commissioner of the Department

of Conservation and Natural Resources for all purposes reasonably necessary in the administration of the Game and Fish program; and thereafter such monies shall be appropriated from time to time by the legislature through the general appropriation bill.

The adoption of the above and foregoing suggested Executive Amendment will remove my objections to this Bill.

Respectfully,

FOB JAMES,
Governor.

And the House has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, by a vote of a majority of the whole number elected to the House, said vote being: Yeas 68, Nays 0.

And said Bill, as amended by the Executive Amendment, was again read at length and passed by a vote of a majority of the whole number elected to the House, said vote being: Yeas 63, Nays 0.

And said Bill, H. 455, together with the Executive Amendment, is herewith sent to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE AND GOVERNOR'S MESSAGE

On motion of Mr. Kirkland, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, H. B. 455, the title of which and said Executive amendment are set out in the foregoing Message from the House.

Yeas 17; Nays 0.

Yeas:

Messrs.:	Goodwin	Martin	Teague	
Bailey	Gulledge	Mitchem	Vacca	
Barron	Hall	Pearson	Weeks	
Clemon	Kirkland	Taylor	White	
Cook	Little			—17

Nays: —0

(The President and Presiding Officer of the Senate declared a quorum present but not voting.)

MESSAGE FROM THE HOUSE

Mr. President:

The House has received the accompanying message from His Excellency, the Governor, proposing an amendment to the Bill:

H. 267. To amend Title 5, Section 185, Alabama Code, relating to directors of banks or trust companies doing a banking business organized under Alabama law; to change the residence requirements by providing that at least fifty-one percent of the directors of every such bank or trust company shall be residents of the State of Alabama.

Said Governor's Message being in words and figures as follows, to-wit:

MESSAGE FROM THE GOVERNOR

To The House of Representatives
State Capitol
Montgomery, Alabama

Ladies and Gentlemen:

I transmit herewith a Message from the Governor concerning House Bill Number 267, without his signature and approval and with a suggested Executive Amendment.

Respectfully submitted,

JAMES E. FOY,
Executive Secretary.

Done this 30th day of July, 1979.

To The House of Representatives
State Capitol
Montgomery, Alabama

Ladies and Gentlemen:

I am returning to you, the Body in which it originated, House Bill Number 267, without my signature and approval and with the following suggested Executive Amendment.

Amend Section 1, page 2, line 5, by deleting all of the wording in Section 1 after "when the facts are made known to him" including the House Amendment thereto, and inserting in lieu thereof the following:

"At least fifty-one percent of the directors of every such bank or trust company shall be residents of the state and at least seventy-five percent of the directors of every such bank or trust company shall be residents of this state or residents of a state contiguous to Alabama."

The adoption of the above and foregoing suggested Executive Amendment will remove my objections to this Bill.

Respectfully,

FOB JAMES,
Governor.

And the House has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, by a vote of a majority of the whole number elected to the House, said vote being: Yeas 59, Nays 0.

And said Bill, as amended by the Executive Amendment, was again read at length and passed by a vote of a majority of the whole number elected to the House, said vote being: Yeas 57, Nays 0.

And said Bill, H. 267, together with the Executive Amendment, is herewith sent to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE AND GOVERNOR'S MESSAGE

On motion of Mr. Gulledge, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, H. B. 267, the title of which and said Executive amendment are set out in the foregoing Message from the House.

Yeas 24; Nays 1.

Yeas:

Messrs.:	Denton	Holmes	Proctor	
Bailey	Goodwin	Kirkland	Taylor	
Barron	Gulledge	Lemaster	Teague	
Britnell	Hall	Martin	Vacca	
Clemon	Harrison	McDonald	Weeks	
Cook	Higginbotham	Miller	White	
deGraffenried				—24

Nay: Mr. Little. —1

which was a majority of the whole number elected to the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill:

H. 378. To amend the Code of Alabama 1975, § 9-11-53, subsection (a) so as to increase the cost of resident fishing licenses, and restricting the hook and line license to the county in which the licensee resides.

said Conference Report being in words and figures as follows:

REPORT OF CONFERENCE COMMITTEE ON H. B. 378

We, the Committee on Conference appointed to reconcile the difference between the two Houses concerning House Bill 378, have met, considered the matter, and agreed on the bill as substituted and amended, and further amend by adding the following Section 2 and renumbering Section 2 and Section 3 to read Section 3 and Section 4:

Section 2. All monies received under the provisions of this Act for the fiscal year ending September 30, 1980, are hereby allotted, appropriated and released to the Department of Conservation and Natural Resources, Division of Game and Fish, and may be used by the Commissioner of the Department of Conservation and Natural Resources for all purposes reasonably necessary

in the administration of the Game and Fish program; and thereafter such monies shall be appropriated from time to time by the legislature through the general appropriation bill.

Conferees on the part of the House,
JOHN M. McMILLAN, JR.,
JAMES E. WARREN,
TOMMY CARTER,
Conferees on the part of the Senate,
REO KIRKLAND, JR.,
HINTON MITCHEM,
WALLACE MILLER.

And said bill as thus amended by the Report of the Committee on Conference was again read and passed.

And said bill, together with the Report of the Committee on Conference, is herewith returned to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE AND CONFERENCE MESSAGE

On motion of Mr. Kirkland, the Senate concurred in and adopted the Report of the Committee on Conference appointed to reconcile the disagreement of the two Houses on the Senate amendment to the Bill, H. B. 378, the title of which and said Conference Report are set out in the foregoing Message from the House.

Yeas 22; Nays 1.

Yeas:

Messrs.:	deGraffenried	Holmes	Proctor	
Bailey	Denton	Kirkland	Taylor	
Barron	Goodwin	Lemaster	Teague	
Britnell	Gulledge	Little	Vacca	
Clemon	Hall	Martin	Weeks	
Cook	Higginbotham	Miller		—22

Nay: Mr. Harrison. —1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Manley and Campbell:

H. J. R. 327. COMMENDING REGINALD T. HAMNER, EXECUTIVE DIRECTOR, ALABAMA STATE BAR, FOR HIS SERVICE AS PRESIDENT OF THE NATIONAL ASSOCIATION OF BAR EXECUTIVES.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 327, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

BILLS ON THIRD READING RESUMED

The Bill:

H. 561. To make unlawful the obtaining or attempting to obtain public housing accommodations by means of false statement or other fraudulent scheme or device; to define "Public Housing"; to require notice of the act on applications for public housing accommodations; and to prescribe punishment for violation.

was again taken up.

Mr. Clemon moved that consideration of the Bill, H. B. 561, be postponed temporarily.

On motion of Mr. Denton, the motion to postpone was laid on the table.

The Bill:

H. 138. To amend Section 22-21-20, Code of Alabama, 1975, which relates to the Licensing of Hospitals, Nursing Homes and other Health Care Institutions so as to include other types of services that are now being provided the citizens. This amendment will expand the definitions to include new institutional care and services.

was taken up.

Mr. Cook offered the following amendment to the Bill, H. B. 138, to-wit:

AMENDMENT TO H. B. 138

Amend H. B. 138 as follows:

On page 2, Section 1, in line 2 after the word "organizations" add the words: private home health agencies

On motion of Mr. Proctor, said amendment was laid on the table.

Yeas 13; Nays 8.

Yeas:

Messrs.:	Holmes	Proctor	Taylor	
Bailey	Lemaster	St. John	White	
Denton	Little	Smith		—13
Figures	Parsons			
Hall				

Nays:

Messrs.:	Goodwin	Higginbotham	Mitchem	
Callahan	Harrison	Martin	Teague	
Cook				—8

On motion of Mr. Cook, further consideration of the Bill, H. B. 138, was postponed temporarily.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 167. HONORING MR. G. HAYWARD FORRESTER, DEPUTY SUPERINTENDENT OF BANKS FOR THE STATE OF ALABAMA.

Also:

S. J. R. 169. COMMENDING JAMES CURTIS HAMBRIGHT ON HIS OUTSTANDING BOXING CAREER.

Also:

S. J. R. 172. CREATING A CONTINUING SELECT JOINT COMMITTEE TO STUDY THE RISING COST TO THE STATE OF THE MEDICAID PROGRAMS AND REPEALING AND SUPERSEDING ACT NO. 79-390, S. J. R. 128 OF THE 1979 REGULAR SESSION.

JOHN W. PEMBERTON,
Clerk

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 728. Relating to Madison County; to give the County Commission certain powers and authority in regard to performing work or services upon private property and selling material to churches, persons, firms or corporations; setting the conditions under which such work can be done or materials sold; and establishing the procedure governing work on private property or sales of materials to churches, individuals, firms or corporations.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 667. To provide for county law libraries in each county, and for the personnel, space, funding, operation, and maintenance thereof, making said law libraries part of a network with the other law libraries in the state for their mutual benefit; permitting present county law libraries to come under the provisions of this act if they elect to do so.

JOHN W. PEMBERTON,
Clerk.

BILLS ON THIRD READING RESUMED

The Bill:

H. 205. To amend the Code of Alabama 1975, relative to the time and place of holding primary elections, canvassing, reporting and declaring results, and filing contests.

was taken up.

The Standing Committee on Governmental Affairs reported the following amendment to the Bill, H. B. 205, to-wit:

COMMITTEE AMENDMENT TO HOUSE BILL 205

Amend H. 205 as follows:

On page 1, line 32, and page 3, line 12, by striking out, wherever they appear, the words "third fourth" and inserting in lieu thereof, in each place, the word third.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Goodwin	Little	St. John	
Barron	Hall	Martin	Taylor	
Callahan	Harrison	McDonald	Teague	
Clemon	Higginbotham	Miller	Vacca	
Cook	Holmes	Proctor	Weeks	
deGraffenried	Kirkland	Robertson	White	
Figures	Lemaster			—25
Nays:				—0

And said Bill, H. B. 205, as thus amended, was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Goodwin	Little	St. John	
Barron	Hall	Martin	Taylor	
Callahan	Harrison	McDonald	Teague	
Clemon	Higginbotham	Miller	Vacca	
Cook	Holmes	Proctor	Weeks	
deGraffenried	Kirkland	Robertson	White	
Figures	Lemaster			—25
Nays:				—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has received the accompanying message from His Excellency, the Governor, proposing an amendment to the Bill:

H. 1063. Relating to Talladega County; to promote temperance by regulating the sale of alcoholic beverages; to authorize the Alabama alcoholic beverage control board to permit the handling and sale of table wine, containing not more than 14% alcohol by volume, by its licensees; to define terms, including wine, table wine, fortified wine or vinous liquor, manufacturer, wine wholesaler and wine retailer; to provide for the licensing of wine manufacturers, wine wholesalers and wine retailers by the Alabama alcoholic beverage control board; to impose state filing fees thereon and to levy state license fees on wine wholesalers and retailers; to authorize the levy of county and municipal license fees thereon; to impose an exclusive tax on or measured by the sale of table wine in Talladega County and to provide for the collection, administration and distribution thereof; to prescribe violations and offenses, and to provide for the imposition of fines and the suspension or revocation of licenses.

Said Governor's Message being in words and figures as follows, to-wit:

MESSAGE FROM THE GOVERNOR

To The House of Representatives
State Capitol
Montgomery, Alabama

Ladies and Gentlemen:

I transmit herewith a Message from the Governor concerning House Bill Number 1063, without his signature and approval and with a suggested Executive Amendment.

Respectfully submitted,

JAMES E. FOY,
Executive Secretary.

Done this 30th day of July, 1979.

To The House of Representatives
State Capitol
Montgomery, Alabama

Ladies and Gentlemen:

I am returning to you, the Body in which it originated, House Bill 1063, without my approval and with the following suggested executive amendment:

Amend Section 15 of House Bill 1063, page 10, lines 4 and 5, by striking the words "the county general fund for the use of county", and by inserting in lieu thereof the following:

"a separate fund in the county treasury for the use of the county sheriff's department."

The adoption of the above suggested amendment will remove my objection to this bill.

Respectfully,

FOB JAMES,
Governor.

And the House has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, by a vote of a majority of those voting, said vote being: Yeas 43, Nays 0.

And said Bill, as amended by the Executive Amendment, was again read at length and passed by a vote of a majority of those voting, said vote being: Yeas 48, Nays 0.

And said Bill, H. 1063, together with the Executive Amendment, is herewith sent to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE AND GOVERNOR'S MESSAGE

On motion of Mr. Proctor, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, H. B. 1063, the title of which and said Executive amendment are set out in the foregoing Message from the House.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Little	Proctor	
Bailey	Figures	Martin	St. John	
Barron	Glass	McDonald	Smith	
Britnell	Hall	Miller	Teague	
Callahan	Holmes	Mitchem	Weeks	
Clemon	Kirkland	Parsons	White	
Cook	Lemaster			—25

Nays: —0

which was a majority of the whole number elected to the Senate.

FURTHER CONSIDERATION OF H. B. 561

The Senate proceeded to further consideration of the Bill, H. B. 561.

On motion of Mr. Denton, further consideration of the Bill, H. B. 561, was indefinitely postponed by the Senate.

BILLS ON THIRD READING RESUMED

The Bill:

H. 57. To amend Section 1 of Act No. 600, H. 1134 of the 1977 Regular Session (Acts 1977, Vol. II, p. 805), which act provides a pay increase for any law enforcement officer who has full peace officer authority, so as to extend eligibility to Security and Safety Officers of the Mental Health Department.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Goodwin	Little	St. John	
Barron	Hall	Martin	Taylor	
Callahan	Harrison	McDonald	Teague	
Clemon	Higginbotham	Miller	Vacca	
Cook	Holmes	Proctor	Weeks	
deGraffenried	Kirkland	Robertson	White	
Figures	Lemaster			—25
Nays:				—0

The Bill:

H. 823. This bill creates the Alabama Health Care Responsibility Act; providing legislative intent, providing definitions; providing that ultimate financial responsibility for the cost of treatment of a patient certified to be indigent, who is a resident of one county but receives services from a hospital in another county, shall be placed with the county of which the patient is a resident; providing limitations on such responsibility; providing that the Department of Pensions and Security shall adopt rules for certifying patients as indigent; requiring hospitals to admit certified indigents under certain conditions; providing that disputes between hospitals and counties shall be resolved by action in the circuit court of the county in which the regional referral hospital is located and providing an effective date.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Goodwin	Little	St. John	
Barron	Hall	Martin	Taylor	
Callahan	Harrison	McDonald	Teague	
Clemon	Higginbotham	Miller	Vacca	
Cook	Holmes	Proctor	Weeks	
deGraffenried	Kirkland	Robertson	White	
Figures	Lemaster			—25
Nays:				—0

The Bill:

H. 556. To amend Title 11, Section 11-58-1, Code of Alabama 1975.

was taken up.

Mr. Cook offered the following amendment to the Bill, H. B. 556, to-wit:

AMENDMENT TO H. B. 556

Amend House Bill 556 as amended by adding a new Section 3 and renumbering the remaining section:

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional such declaration shall not affect the part which remains.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Goodwin	Little	St. John	
Barron	Hall	Martin	Taylor	
Callahan	Harrison	McDonald	Teague	
Clemon	Higginbotham	Miller	Vacca	
Cook	Holmes	Proctor	Weeks	
deGraffenried	Kirkland	Robertson	White	
Figures	Lemaster			—25

Nays: —0

And said Bill, H. B. 556, as thus amended, was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Goodwin	Little	St. John	
Barron	Hall	Martin	Taylor	
Callahan	Harrison	McDonald	Teague	
Clemon	Higginbotham	Miller	Vacca	
Cook	Holmes	Proctor	Weeks	
deGraffenried	Kirkland	Robertson	White	
Figures	Lemaster			—25

Nays: —0

The Bill:

H. 327. To amend certain provisions of the law which regulates the operation of public warehouses in Alabama by amending Title 8, Sections 8-15-1, 8-15-9, 8-15-10 and 8-15-18 of the Code of Alabama 1975; amend § 8-15-1 which defines a "public warehouse"; amend § 8-15-9 thereof relating to the issuance of a permit to operate a public warehouse and § 8-15-10 to prescribe an additional penalty for operating a public warehouse without a permit; also, amend § 8-15-18 thereof relating to the authority of the State Board of Agriculture and Industries to require insurance coverage for commodities stored in public warehouses by authorizing said Board to require such warehouses to carry insurance on their contents against destruction and damage by fire for protection of agricultural commodities and other articles of value stored in public warehouses.

was taken up.

Mr. Cook offered the following amendment to the Bill, H. B. 327, to-wit:

SENATE AMENDMENT TO HOUSE BILL 327

Amend House Bill 327 on page 1, line 16 by striking out the period and inserting the following:

", and to change the composition of the state board of agriculture and industries."

Further amend the bill on page 1, line 32 by striking out the period and inserting the following:

", and to amend Title 2, Section 2-3-1 and 2-3-2 so as to further provide for the composition of the state board of agriculture and industries."

Further amend the bill on page 3 immediately following line 23 by inserting the following new sections:

Section 5. To amend Section 2-3-1 of the Code of Alabama 1975 to read as follows:

"§ 2-3-1. There shall be a state board of agriculture and industries which shall consist of the governor as ex officio chairman, the commissioner of agriculture and industries, the director of the Alabama Extension Service of Auburn University, four outstanding farmers and three four outstanding leaders of industry, actively involved in the public warehousing business."

Section 6. To amend Section 2-3-2 of the Code of Alabama 1975 to read as follows:

"2-3-2. The four farmer members and the three four industry members shall be appointed by the governor and confirmed by the Senate; provided that no two of the farmer members shall reside in the same congressional district of the state; provided further, that no two of the industry members shall reside in the same congressional district of the state. The members of said state board of agriculture and industries appointed by the governor shall hold office for and only during the tenure of office of the governor making the appointment and until their successors are appointed and qualified."

Further amend the bill by renumbering the remaining sections in proper numerical sequence.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Goodwin	Little	St. John	
Barron	Hall	Martin	Taylor	
Callahan	Harrison	McDonald	Teague	
Clemon	Higginbotham	Miller	Vacca	
Cook	Holmes	Proctor	Weeks	
deGraffenried	Kirkland	Robertson	White	
Figures	Lemaster			—25
Nays:				—0

And said Bill, H. B. 327, as thus amended, was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Goodwin	Little	St. John	
Barron	Hall	Martin	Taylor	
Callahan	Harrison	McDonald	Teague	
Clemon	Higginbotham	Miller	Vacca	
Cook	Holmes	Proctor	Weeks	
deGraffenried	Kirkland	Robertson	White	
Figures	Lemaster			—25
Nays:				—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has received the accompanying message from His Excellency, the Governor, proposing an amendment to the Bill:

H. 241. To amend Section 11-51-200 of the Code of Alabama 1975, providing for the levy of a sales tax paralleling the state sales tax by the incorporated cities and towns of the state, so as to remove the prohibition on the levy of such taxes on the alcoholic beverage control board in the sale of alcoholic beverages, and to provide that any counties that have authority to tax under the present law shall have full authority to levy such tax upon the alcoholic beverage control board in the sale of alcoholic beverages as provided under the statutory authorization.

Said Governor's Message being in words and figures as follows, to-wit:

MESSAGE FROM THE GOVERNOR

To The House of Representatives
State Capitol
Montgomery, Alabama

Ladies and Gentlemen:

I transmit herewith a Message from the Governor concerning House Bill Number 241, without his signature and approval and with a suggested Executive Amendment.

Respectfully submitted,

JAMES E. FOY,
Executive Secretary.

Done this 30th day of July, 1979.

To The House of Representatives
State Capitol
Montgomery, Alabama

Ladies and Gentlemen:

I am returning to you, the Body in which it originated, House Bill Number 241, without my signature and approval and with the following suggested Executive Amendment in the form of a substitute as per the attached, which is made a part of this Executive Amendment.

The adoption of the above and foregoing suggested Executive Amendment will remove my objections to this Bill.

Respectfully,

FOB JAMES,
Governor.

EXECUTIVE SUBSTITUTE FOR H. B. 241

A BILL
TO BE ENTITLED
AN ACT

To further provide for taxation relating to the sale of alcoholic beverages; to levy an additional state sales tax on the sale of alcoholic beverages; to provide that the revenues produced from the additional tax shall be collected

by the Department of Revenue in the same manner as are other such taxes; to allow the Department of Revenue to retain a certain sum for the cost of collection and redistribution of the net proceeds; to prescribe that all net proceeds generated by this act shall be distributed back to the municipalities from which the taxes are collected; to provide that the municipalities shall redistribute the additional tax proceeds on the same pro rata basis as are other such taxes; and to prohibit any municipality which receives proceeds pursuant to the provisions of this act from levying or collecting any additional taxes on the sale of alcoholic beverages.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to all other taxes levied and collected on the sale of any alcoholic beverages there is hereby levied an additional state sales tax in the amount of two percent on the gross sales of alcoholic beverages. Such tax shall be in addition to any and all other taxes collected on sales.

Section 2. The Department of Revenue shall collect the revenues generated by this act in the same manner as other taxes and fees collected by it. The department shall redistribute the net proceeds therefrom to the respective municipalities from which the taxes are collected, less any reasonable charges incurred by the department in collecting such taxes; provided, however, such charges shall not exceed a sum equal to five percent (5%) of the amount collected. The department shall prepare and distribute such reports, forms and other information as may be necessary for the collection of the said taxes.

Section 3. The commissioner of the department of revenue is authorized to promulgate all reasonable rules and regulations necessary to implement the provisions of this act.

Section 4. The municipalities shall redistribute the additional tax proceeds, generated by the provisions of this act, in the same manner and on the same pro rata basis as are other tax revenues collected from the sale of alcoholic beverages within the municipality.

Section 5. Any municipality receiving any additional taxes pursuant to the provisions of this act shall be prohibited from levying and collecting any additional taxes or fees on the sale of alcoholic beverages.

Section 6. The provisions of this act are cumulative and shall not be construed to repeal or supersede any laws not directly inconsistent herewith.

Section 7. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 8. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the House has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, by a vote of a majority of the whole number elected to the House, said vote being: Yeas 64, Nays 6.

And said Bill, as amended by the Executive Amendment, was again read at length and passed by a vote of a majority of the whole number elected to the House, said vote being: Yeas 59, Nays 8.

And said Bill, H. 241, together with the Executive Amendment, is herewith sent to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE AND GOVERNOR'S MESSAGE

On motion of Mr. St. John, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, H. B. 241, the title of which and said Executive amendment are set out in the foregoing Message from the House.

Yeas 19; Nays 2.

Yeas:

Messrs.:	Clemon	Hall	Proctor
Bailey	Cook	Holmes	Smith
Barron	Denton	Little	Taylor
Britnell	Figures	McDonald	Teague
Callahan	Goodwin	Parsons	Vacca

—19

Nays: Messrs.: Pearson, Robertson. —2

which was a majority of the whole number elected to the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Executive amendment to the Bill:

S. 136. To authorize designated agents to issue temporary license tags and temporary registration certificates for motor vehicles to be permanently licensed outside the state of Alabama; to authorize manufacturers and dealers of mobile homes, trailer coaches, travel trailers or house trailers to issue temporary license tags and registration certificates for such vehicles which are to be licensed outside Alabama; to authorize probate judges or other county officials authorized and required by law to issue motor vehicle license tags to issue temporary license tags and temporary registration certificates when a permanent license tag cannot be immediately issued or when other good cause exists; to provide for the period of validity of such temporary license tags and registration certificates; to provide for the fees to be collected, records to be maintained, and forms to be utilized in connection with issuance of temporary license tags and registration certificates; to empower the department of revenue with the authority to adopt rules and regulations, prescribe forms and otherwise implement the provisions of the Act; and to impose criminal penalties for violation of the provisions of the Act.

by a majority of those voting, said vote being Yeas 33, Nays 0.

And said Bill, as amended by the Executive amendment, was again read at length and passed by a majority of those voting, said vote being Yeas 42, Nays 0.

And said Bill, together with the Executive amendment, is herewith returned to the Senate.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 596. To provide conditional appropriations totalling $12 million to the Medicaid Program for the current fiscal year of 1978-79, said fiscal year ending on September 30, 1979.

JOHN W. PEMBERTON,
Clerk.

BILLS ON THIRD READING RESUMED

The Bill:

H. 128. To provide further for the disposition of surplus state property; to provide that such property shall be screened by the Forestry Commission for use by volunteer fire departments; to provide for the transfer or loan of such property for fire protection purposes; and to provide penalties for violations.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Goodwin	Little	St. John	
Barron	Hall	Martin	Taylor	
Callahan	Harrison	McDonald	Teague	
Clemon	Higginbotham	Miller	Vacca	
Cook	Holmes	Proctor	Weeks	
deGraffenried	Kirkland	Robertson	White	
Figures	Lemaster			—25

Nays: —0

The Bill:

H. 486. To establish an emergency forest fire fund which will automatically receive an appropriation from the general fund of $180,000.00 per annum; to provide that this fund shall not exceed a total accumulated amount of $500,000.00; to provide that the monies may be expended from time to time to meet emergency forest fire needs at the discretion of the state forester and governor; and to provide for automatic replenishment of monies expended from said fund by an automatic appropriation from the general fund of up to $180,000.00 per year; and giving retroactive effect to October 1, 1978.

was read a third time at length and passed.

Yeas 23; Nays 0.

Yeas:

Messrs.:	Denton	Kirkland	St. John	
Barron	Goodwin	Lemaster	Smith	
Britnell	Gulledge	Little	Taylor	
Clemon	Harrison	Parsons	Teague	
Cook	Higginbotham	Proctor	Vacca	
deGraffenried	Holmes	Robertson	White	
				—23

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 667. To provide for county law libraries in each county, and for the personnel, space, funding, operation, and maintenance thereof, making said law libraries part of a network with the other law libraries in the state for their mutual benefit; permitting present county law libraries to come under the provisions of this act if they elect to do so.

Also:

H. 225. To provide for a staggered system of registration for the annual issuance of motor vehicle licenses; to provide for five-year annually renewable license plates for private passenger automobiles and pick-up trucks; to provide for interim validation tabs indicative of periodic registration payment; to provide for numeric county prefixes; to provide for the design, manufacture and purchase of license plates and validation tabs; to provide for a penalty for the late registration of motor vehicles and the distribution of penalty fees; to repeal Section 32-6-50, Code of Alabama 1975, which provided for the five-year tags; to amend Section 40-12-265, Code of Alabama 1975, to provide a minimum fine of $25.00 for improper tags and to authorize county judges of probate or the appropriate licensing authority established by local Act to process the replacement of mutilated and lost tags; to amend Section 40-2-12, Code of Alabama 1975, to allow the destruction of source documents after microfilming upon validation of the reproduction; to amend Section 40-12-271, Code of Alabama 1975, to increase the license issuance fee for probate judges and license commissioners; and to create a joint legislative committee to oversee the implementation of this Act.

Also:

H. 728. Relating to Madison County; to give the County Commission certain powers and authority in regard to performing work or services upon private property and selling material to churches, persons, firms or corporations; setting the conditions under which such work can be done or materials sold; and establishing the procedure governing work on private property or sales of materials to churches, individuals, firms or corporations.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

BILLS ON THIRD READING RESUMED

The Bill:

H. 138. To amend Section 22-21-20, Code of Alabama, 1975, which relates to the Licensing of Hospitals, Nursing Homes and other Health Care

Institutions so as to include other types of services that are now being provided the citizens. This amendment will expand the definitions to include new institutional care and services.

was read a third time at length and passed.

Yeas 15; Nays 3.

Yeas:

Messrs.:	Gulledge	Lemaster	Smith
Clemon	Hall	Martin	Teague
deGraffenried	Holmes	Parsons	Vacca
Goodwin	Kirkland	Proctor	White

—15

Nays: Messrs.: Cook, Harrison, Weeks. —3

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 226. To reopen the Employees' Retirement System of Alabama for prior service for certain members in certain counties who are precluded from obtaining credit for such service for reasons other than nonmembership; providing that as a prerequisite to such credit members must, on October 1, 1979, be an active and contributing member of the Employees' Retirement System of Alabama and in the active service of the employer for whom such prior service was rendered; provided that employers participating in the retirement system shall pay such employer costs as are necessary with respect to their employees subject to this Act; and providing that this Act shall take effect October 1, 1979.

JOHN W. PEMBERTON,
Clerk.

BILLS ON THIRD READING RESUMED

The Bill:

H. 708. To alter the boundary line between Shelby and Jefferson Counties.

was read a third time at length and passed.

Yeas 20; Nays 0.

Yeas:

Messrs.:	Figures	Kirkland	St. John
Barron	Goodwin	Little	Smith
Britnell	Gulledge	Martin	Taylor
Cook	Hall	Parsons	Teague
deGraffenried	Holmes	Proctor	White
Denton			

—20

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill:

H. 418. To amend Section 12-17-144, Code of Alabama 1975, which relates to prior service credit for benefits of supernumerary circuit clerks and registers, so as to allow circuit clerks or registers prior service credit for time spent as probate judge.

said Conference Report being in words and figures as follows:

REPORT OF CONFERENCE COMMITTEE
SUBSTITUTE FOR H. B. 418

We, the Committee on Conference appointed to reconcile the difference between the two Houses concerning House Bill 418, have met, considered the matter, and agreed to the attached substitute.

Conferees of the House,
GERALD O. DIAL,
WALLACE SHOEMAKER,
PHILLIP B. KELLEY,
Conferees of the Senate,
DONALD G. HOLMES,
LISTER HILL PROCTOR,
JOHN A. TEAGUE.

CONFERENCE COMMITTEE SUBSTITUTE FOR H. B. 418

A BILL
TO BE ENTITLED
AN ACT

To amend Section 12-17-144, Code of Alabama 1975, which relates to prior service credit for benefits of supernumerary circuit clerks and registers, so as to allow circuit clerks or registers prior service credit for time spent as probate judge.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 12-17-144, Code of Alabama 1975, is hereby amended to read as follows:

"Section 12-17-144. (a) Prior service credit may be obtained by a clerk or register in office on October 1, 1976, for years served in the individual capacity of clerk or register on a continuous basis. Prior service credit must either be for time served as clerk or as register without allowance for service as both clerk and register; provided, that prior service credit for each individual position may not be combined. A person seeking to qualify as supernumerary clerk shall count only time served as clerk, and one seeking to qualify as supernumerary register shall count only time served as register.

Prior service credit may also be obtained by a clerk or register for any years served in the capacity of probate judge, provided such service as probate judge was continuous. If any person subject to the provisions of this division shall seek to obtain prior service as either clerk or register, he shall contribute to the clerks' and registers' supernumerary fund, state of Alabama, for each year for which prior service credit is sought up to a maximum of 15 years. No official under this division shall be eligible for prior service credit to become supernumerary unless payments as provided hereinafter have been paid. However, any official who otherwise qualifies may become eligible upon October 1, 1976 1978, or within two years thereof, by paying in a lump sum computed on the basis of the formula enumerated in this section or by paying such sum into the appropriate fund, in equal installments, with no interest, over a two-year period from October 1, 1976 1978; provided, that no compensation benefits shall accrue to any official electing to become supernumerary hereunder until all contributions have been paid.

"(b) Payments necessary for prior service credit shall be computed as follows:

"(1) Circuit clerks shall contribute an amount equal to five percent of their salary or, if on fees, the base sum payable by the state as salary to circuit clerks pursuant to section 12-17-142, for each year for which prior service credit is sought; and

"(2) Circuit registers shall contribute an amount equal to five percent of the highest net annual income received for services rendered for any one year of the three years next preceding February 14, 1975."

Section 2. This act shall become effective immediately upon its passage and approval by the governor, or upon its otherwise becoming a law.

And said bill as thus amended by the Report of the Committee on Conference was again read and passed.

And said bill, together with the Report of the Committee on Conference, is herewith returned to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE AND CONFERENCE MESSAGE

On motion of Mr. Holmes, the Senate concurred in and adopted the Report of the Committee on Conference appointed to reconcile the disagreement of the two Houses on the Senate amendment to the Bill, H. B. 418, the title of which and said Conference Report are set out in the foregoing Message from the House.

Yeas 23; Nays 0.

Yeas:

Messrs.:	deGraffenried	Harrison	Parsons
Bailey	Figures	Holmes	Proctor
Barron	Glass	Kirkland	Taylor
Britnell	Goodwin	Little	Teague
Callahan	Gulledge	McDonald	Weeks
Clemon	Hall	Miller	White

—23

Nays: —0

BILLS ON THIRD READING RESUMED

The Bill:

H. 806. To make a conditional appropriation of state funds to the Alabama Department of Forensic Sciences for the purpose of constructing and developing a facility to house the offices, laboratories and morgue of the Southwest Regional Division.

was read a third time at length and passed.

Yeas 21; Nays 3.

Yeas:

Messrs.:	Figures	Kirkland	Miller	
Bailey	Glass	Lemaster	Proctor	
Barron	Goodwin	Little	St. John	
Britnell	Gulledge	Martin	Vacca	
Callahan	Harrison	McDonald	Weeks	
Clemon	Holmes			—21

Nays: Messrs.: Hall, Parsons, White. —3

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 907. To provide two investigators for the District Attorney of the Twenty-third Judicial Circuit and to prescribe compensation and provide authority and power.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 640. Relating to Jackson County; relating to the county commission; creating a department of public works for the county; providing for the construction, maintenance and repair of county roads and bridges; providing for the classification and responsibilities of certain employees and their compensation therefor; providing for duties of a county engineer; establishing temporary additional expense allowances for the chairman and members of the Jackson County Commission for a period during the transition from a "captive county" highway program to a county system; and providing that the provisions of this act shall be contingent on the passage of certain legislation.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate.

S. 497. To make a conditional appropriation for capital improvements at the Alabama Youth Services Roebuck Campus, Roebuck, Birmingham, Alabama, for the fiscal year ending September 30, 1979.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Vacca, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 497, the title of which is set out in the foregoing Message from the House, to-wit:

HOUSE AMENDMENT TO S. B. 497

Amend S. B. 497 on page 1, line 35, by adding the following new Section and renumbering all subsequent sections accordingly:

Section 2: This appropriation shall not be authorized until funding is provided for the Education Appropriation Bill (H. 386) and appropriations for Marion Institute (H. 388), Tuskegee (H. 389), Talladega (H. 390), Walker Junior College (H. 391), and Lyman Ward (H. 392); and funding is also provided for H. 580, the seven percent (7%) cost-of-living pay raise authorized by the 1979 Regular Session of the Alabama Legislature.

Yeas 21; Nays 3.

Yeas:

Messrs.:	Figures	Kirkland	Miller	
Bailey	Glass	Lemaster	Proctor	
Barron	Goodwin	Little	St. John	
Britnell	Gulledge	Martin	Vacca	
Callahan	Harrison	McDonald	Weeks	
Clemon	Holmes			—21

Nays: Messrs.: Hall, Parsons, White. —3

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 205. To amend the Code of Alabama 1975, relative to the time and place of holding primary elections, canvassing, reporting and declaring results, and filing contests.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 556. To amend Title 11, Section 11-58-1, Code of Alabama 1975.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 395. To amend Section 26-10-3, Code of Alabama 1975, relating to adoptions, so as to further regulate consent for adoption of a child and notice of adoption proceedings.

Also:

S. 394. To further authorize and empower the Department of Pensions and Security to operate child support programs, locate absent parents, establish paternity, enforce child support obligations, to collect and distribute support payments, and to conform with certain provisions of the Social Security Act, as amended, in order to obtain maximum benefits under the Social Security Act, as amended; and to prescribe penalties.

Also:

S. 358. To make a supplemental appropriation to the state board of social work examiners from the state board of social work examiners' fund which is on deposit in the state treasury.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 244. To amend Sections 11-89-4, 11-89-6 and 11-89-7 of the Code of Alabama 1975 relating to water, sewer, solid waste disposal and fire protection districts so as to stagger the terms of the members of water authority boards; to provide that fire protection districts may furnish and provide fire protection service in unincorporated and incorporated areas within the total service area; to eliminate the requirement of stating a name for county or city fire, water and sewer protection districts in their respective certificates of incorporation; and to allow the county commission to set the compensation to be paid board members.

JOHN W. PEMBERTON,
Clerk.

REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J R. 327. COMMENDING REGINALD T. HAMNER, EXECUTIVE DIRECTOR, ALABAMA STATE BAR, FOR HIS SERVICE AS PRESIDENT OF THE NATIONAL ASSOCIATION OF BAR EXECUTIVES.

On motion of Mr. McDonald, said Resolution was then concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 2. To amend Section 40-12-252, Code of Alabama 1975, to allow extended registration and licensing period for fleet owners of rental utility trailers.

Also:

S. 77. To amend Section 29-4-42 of the Code of Alabama 1975, relating to legislative employees, so as to increase the number of supervisory and secretarial employees that may be employed by the secretary of the senate and the clerk of the house.

Also:

S. 485. To impose additional requirements upon livestock markets as regulated by Sections 2-15-60 through 2-15-71 of the Code of Alabama 1975 by requiring such markets to report to the Commissioner of Agriculture and Industries any purchases of livestock by a livestock dealer where such a dealer has not complied with the provisions of the "Alabama Livestock Dealers' Financial Responsibility Act" (Code of Alabama of 1975, Sections 2-15-130 through 2-15-138); to define words and terms used in this Act; to authorize the Commissioner of Agriculture and Industries to inspect records of sales of livestock markets; to provide for the adoption of rules and regulations to effectuate the intent and purpose of this Act; and to prescribe penalties for violations of this Act.

Also:

S. 486. To amend Section 2-15-133, Code of Alabama 1975, by adding a provision that imposes liability on livestock dealers as defined in Section 2-15-131 (5), Code of Alabama 1975, for the payment of the purchase price of all livestock purchased by such dealers without regard to whether a livestock dealer purchases livestock on his own account, or as agent for another, and without regard to the liability of another party for whom such a dealer makes such purchase.

Also:

S. 577. To authorize any county board of education and any city board of education to borrow money in anticipation of the issuance of warrants authorized to be issued under either Article 4 or Article 5 of Chapter 13 of

Title 16 of the CODE OF ALABAMA 1975 for use for any of the purposes described in said Articles and in evidence thereof to issue warrant anticipation notes maturing not later than eighteen months from the date of issue and bearing a rate of interest not exceeding eight percent per annum, to provide for payment of such warrant anticipation notes from the principal proceeds from the sale of the warrants with respect to which such notes are issued and from the tax proceeds which the issuing board may pledge to the payment of such warrants, to provide that such warrant anticipation notes may be refunded, extended or renewed by other warrant anticipation notes maturing not more than eighteen months from the date of maturity of the warrant anticipation notes then outstanding, subject to the approval of the state superintendent of education, to provide that such warrant anticipation notes may be sold at public or private sale, subject to the approval of the state superintendent of education, to provide that the board of education proposing to issue said notes shall have received the approval of the state superintendent of education, to provide that all warrant anticipation notes, all interest paid thereon, and all income derived therefrom shall be exempt from all state, county, municipal and other taxation under the laws of Alabama, and to provide that such warrant anticipation notes are proper legal investments.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 327. To amend certain provisions of the law which regulates the operation of public warehouses in Alabama by amending Title 8, Sections 8-15-1, 8-15-9, 8-15-10 and 8-15-18 of the Code of Alabama 1975; amend § 8-15-1 which defines a "public warehouse"; amend § 8-15-9 thereof relating to the issuance of a permit to operate a public warehouse and § 8-15-10 to prescribe an additional penalty for operating a public warehouse without a permit; also, amend § 8-15-18 thereof relating to the authority of the State Board of Agriculture and Industries to require insurance coverage for commodities stored in public warehouses by authorizing said Board to require such warehouses to carry insurance on their contents against destruction and damage by fire for protection of agricultural commodities and other articles of value stored in public warehouses.

JOHN W. PEMBERTON,
Clerk.

REPORT OF
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, respectively, and finds same correctly enrolled, to-wit:

S. 142. To propose a constitutional amendment amending further subsection (a) of Section 217, Constitution of Alabama of 1901, as amended by Constitutional Amendment No. 325 and Constitutional Amendment No. 373, relating to ad valorem property taxes levied by the state and all counties, municipalities and other local taxing authorities.

Also:

S. 389. To provide a conditional appropriation from the state treasury to the use of the Board of Trustees of the University of Alabama in Birmingham for capital outlay purposes.

Also:

S. 590. To amend Section 25-4-70, Section 25-4-78 and Section 25-4-134, Code of Alabama 1975, as last amended, relating to the Alabama Unemployment Compensation Act so as to meet federal law requirements; to clarify the denial of benefit provisions for certain educational employees and to provide for the reduction of benefits by the amount of pensions or retirement pay; to correct a reorganization of procedures for the collection of delinquent taxes and reports made in the 1975 Code.

Also:

S. 136. To authorize designated agents to issue temporary license tags and temporary registration certificates for motor vehicles to be permanently licensed outside the state of Alabama; to authorize manufacturers and dealers of mobile homes, trailer coaches, travel trailers or house trailers to issue temporary license tags and registration certificates for such vehicles which are to be licensed outside Alabama; to authorize probate judges or other county officials authorized and required by law to issue motor vehicle license tags to issue temporary license tags and temporary registration certificates when a permanent license tag cannot be immediately issued or when other good cause exists; to provide for the period of validity of such temporary license tags and registration certificates; to provide for the fees to be collected, records to be maintained, and forms to be utilized in connection with issuance of temporary license tags and registration certificates; to empower the department of revenue with the authority to adopt rules and regulations, prescribe forms and otherwise implement the provisions of the Act; and to impose criminal penalties for violation of the provisions of the Act.

Also:

S. 226. To reopen the Employees' Retirement System of Alabama for prior service for certain members in certain counties who are precluded from obtaining credit for such service for reasons other than nonmembership; providing that as a prerequisite to such credit members must, on October 1, 1979, be an active and contributing member of the Employees' Retirement System of Alabama and in the active service of the employer for whom such prior service was rendered; provided that employers participating in the retirement system shall pay such employer costs as are necessary with respect to their employees subject to this Act; and providing that this Act shall take effect October 1, 1979.

Also:

S. 244. To amend Sections 11-89-4, 11-89-6 and 11-89-7 of the Code of Alabama 1975 relating to water, sewer, solid waste disposal and fire protection districts so as to stagger the terms of the members of water authority boards; to provide that fire protection districts may furnish and provide fire protection service in unincorporated and incorporated areas within the total service area; to eliminate the requirement of stating a name for county or city fire, water and sewer protection districts in their respective certificates of incorporation; and to allow the county commission to set the compensation to be paid board members.

Also:

S. 358. To make a supplemental appropriation to the state board of social work examiners from the state board of social work examiners' fund which is on deposit in the state treasury.

Also:

S. 394. To further authorize and empower the Department of Pensions and Security to operate child support programs, locate absent parents, establish paternity, enforce child support obligations, to collect and distribute support payments, and to conform with certain provisions of the Social Security Act, as amended, in order to obtain maximum benefits under the Social Security Act, as amended; and to prescribe penalties.

Also:

S. 395. To amend Section 26-10-3, Code of Alabama 1975, relating to adoptions, so as to further regulate consent for adoption of a child and notice of adoption proceedings.

Also:

S. 497. To make a conditional appropriation for capital improvements at the Alabama Youth Services Roebuck Campus, Roebuck, Birmingham, Alabama, for the fiscal year ending September 30, 1979.

Also:

S. 596. To provide further conditional appropriations totalling $12 million to the Medicaid Program for the current fiscal year of 1978-79, said fiscal year ending on September 30, 1979.

Also:

S. 640. Relating to Jackson County; relating to the county commission; creating a department of public works for the county; providing for the construction, maintenance and repair of county roads and bridges; providing for the classification and responsibilities of certain employees and their compensation therefor; providing for duties of a county engineer; establishing temporary additional expense allowances for the chairman and members of the Jackson County Commission for a period during the transition from a "captive county" highway program to a county system; and providing that the provisions of this act shall be contingent on the passage of certain legislation.

Also:

S. 2. To amend Section 40-12-252, Code of Alabama 1975, to allow extended registration and licensing period for fleet owners of rental utility trailers.

Also:

S. 77. To amend Section 29-4-42 of the Code of Alabama 1975, relating to legislative employees, so as to increase the number of supervisory and secretarial employees that may be employed by the secretary of the senate and the clerk of the house.

Also:

S. 485. To impose additional requirements upon livestock markets as regulated by Sections 2-15-60 through 2-15-71 of the Code of Alabama 1975 by requiring such markets to report to the Commissioner of Agriculture and

Industries any purchases of livestock by a livestock dealer where such a dealer has not complied with the provisions of the "Alabama Livestock Dealers' Financial Responsibility Act" (Code of Alabama of 1975, Sections 2-15-130 through 2-15-138); to define words and terms used in this Act; to authorize the Commissioner of Agriculture and Industries to inspect records of sales of livestock markets; to provide for the adoption of rules and regulations to effectuate the intent and purpose of this Act; and to prescribe penalties for violations of this Act.

Also:

S. 486. To amend Section 2-15-133, Code of Alabama 1975, by adding a provision that imposes liability on livestock dealers as defined in Section 2-15-131(5), Code of Alabama 1975, for the payment of the purchase price of all livestock purchased by such dealers without regard to whether a livestock dealer purchases livestock on his own account, or as agent for another, and without regard to the liability of another party for whom such a dealer makes such purchase.

Also:

S. 577. To authorize any county board of education and any city board of education to borrow money in anticipation of the issuance of warrants authorized to be issued under either Article 4 or Article 5 of Chapter 13 of Title 16 of the CODE OF ALABAMA 1975 for use for any of the purposes described in said Articles and in evidence thereof to issue warrant anticipation notes maturing not later than eighteen months from the date of issue and bearing a rate of interest not exceeding eight percent per annum, to provide for payment of such warrant anticipation notes from the principal proceeds from the sale of the warrants with respect to which such notes are issued and from the tax proceeds which the issuing board may pledge to the payment of such warrants, to provide that such warrant anticipation notes may be refunded, extended or renewed by other warrant anticipation notes maturing not more than eighteen months from the date of maturity of the warrant anticipation notes then outstanding, subject to the approval of the state superintendent of education, to provide that such warrant anticipation notes may be sold at public or private sale, subject to the approval of the state superintendent of education, to provide that the board of education proposing to issue said notes shall have received the approval of the state superintendent of education, to provide that all warrant anticipation notes, all interest paid thereon, and all income derived therefrom shall be exempt from all state, county, municipal and other taxation under the laws of Alabama, and to provide that such warrant anticipation notes are proper legal investments.

ALBERT McDONALD,
Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing report from the Committee on Rules.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following Enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, respectively, and finds same correctly enrolled, to-wit:

S. J. R. 167. HONORING MR. G. HAYWARD FORRESTER, DEPUTY SUPERINTENDENT OF BANKS FOR THE STATE OF ALABAMA.

Also:

S. J. R. 169. COMMENDING JAMES CURTIS HAMBRIGHT ON HIS OUTSTANDING BOXING CAREER.

Also:

S. J. R. 172. CREATING A CONTINUING SELECT JOINT COMMITTEE TO STUDY THE RISING COST TO THE STATE OF THE MEDICAID PROGRAMS AND REPEALING AND SUPERSEDING ACT NO. 79-390, S. J. R. 128 OF THE 1979 REGULAR SESSION.

ALBERT McDONALD,
Chairman.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 57. To amend Section 1 of Act No. 600, H. 1134 of the 1977 Regular Session (Acts 1977, Vol. II, p. 805), which act provides a pay increase for any law enforcement officer who has full peace officer authority, so as to extend eligibility to Security and Safety Officers of the Mental Health Department.

Also:

H. 128. To provide further for the disposition of surplus state property; to provide that such property shall be screened by the Forestry Commission for use by volunteer fire departments; to provide for the transfer or loan of such property for fire protection purposes; and to provide penalties for violations.

Also:

H. 138. To amend Section 22-21-20, Code of Alabama, 1975, which relates to the Licensing of Hospitals, Nursing Homes and other Health Care Institutions so as to include other types of services that are now being provided the citizens. This amendment will expand the definitions to include new institutional care and services.

Also:

H. 205. To amend the Code of Alabama 1975, relative to the time and place of holding primary elections, canvassing, reporting and declaring results, and filing contests.

Also:

H. 486. To establish an emergency forest fire fund which will automatically receive an appropriation from the general fund of $180,000.00 per annum; to provide that this fund shall not exceed a total accumulated amount of $500,000.00; to provide that the monies may be expended from time to time to meet emergency forest fire needs at the discretion of the state forester and governor; and to provide for automatic replenishment of monies expended from said fund by an automatic appropriation from the general fund of up to $180,000.00 per year; and giving retroactive effect to October 1, 1978.

Also:

H. 556. To amend Title 11, Section 11-58-1, Code of Alabama 1975.

Also:

H. 708. To alter the boundary line between Shelby and Jefferson Counties.

Also:

H. 418. To amend Section 12-17-144, Code of Alabama 1975, which relates to prior service credit for benefits of supernumerary circuit clerks and registers, so as to allow circuit clerks or registers prior service credit for time spent as probate judge.

Also:

H. 823. This bill creates the Alabama Health Care Responsibility Act; providing legislative intent, providing definitions; providing that ultimate financial responsibility for the cost of treatment of a patient certified to be indigent, who is a resident of one county but receives services from a hospital in another county, shall be placed with the county of which the patient is a resident; providing limitations on such responsibility; providing that the Department of Pensions and Security shall adopt rules for certifying patients as indigent; requiring hospitals to admit certified indigents under certain conditions; providing that disputes between hospitals and counties shall be resolved by action in the circuit court of the county in which the regional referral hospital is located and providing an effective date.

Also:

H. 327. To amend certain provisions of the law which regulates the operation of public warehouses in Alabama by amending Title 8, Sections 8-15-1, 8-15-9, 8-15-10 and 8-15-18 of the Code of Alabama 1975; amend §8-15-1 which defines a "public warehouse"; amend §8-15-9 thereof relating to the issuance of a permit to operate a public warehouse and §8-15-10 to prescribe an additional penalty for operating a public warehouse without a permit; also, amend §8-15-18 thereof relating to the authority of the State Board of Agriculture and Industries to require insurance coverage for commodities stored in public warehouses by authorizing said Board to require such warehouses to carry insurance on their contents against destruction and damage by fire for protection of agricultural commodities and other articles

of value stored in public warehouses and to amend Title 2, Sections 2-3-1 and 2-3-2 so as to further provide for the composition of the state board of agriculture and industries.

Also:

H. 907. To provide two investigators for the District Attorney of the Twenty-third Judicial Circuit and to prescribe compensation and provide authority and power.

Also:

H. 806. To make a conditional appropriation of state funds to the Alabama Department of Forensic Sciences for the purpose of constructing and developing a facility to house the offices, laboratories and morgue of the Southwest Regional Division.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 250. URGING THE LEGISLATURE TO ARRIVE AT A WAY TO FUND THE HIGHWAY PROGRAM AND REACTIVATING THE COMMITTEE TO STUDY THE TAX STRUCTURE OF THE STATE OF ALABAMA AND THE DISTRIBUTION OF TAX REVENUES CREATED BY ACT NO. 1178, H. J. R. 430 OF THE 1975 REGULAR SESSION AND MAKING SAID INTERIM STUDY COMMITTEE A CONTINUING COMMITTEE.

Also:

H. J. R. 327. COMMENDING REGINALD T. HAMNER, EXECUTIVE DIRECTOR, ALABAMA STATE BAR, FOR HIS SERVICE AS PRESIDENT OF THE NATIONAL ASSOCIATION OF BAR EXECUTIVES

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 455. To amend Section 9-11-44, Code of Alabama 1975, relating to annual residence hunting licenses, so as to increase the fee for such licenses.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 267. To amend Title 5, Section 185, Alabama Code, relating to directors of banks or trust companies doing a banking business organized under Alabama law; to change the residence requirements by providing that at least fifty-one percent of the directors of every such bank or trust company shall be residents of the State of Alabama.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 157. To amend Sections 34-27-4, 34-27-31 and 34-27-35 of the Code of Alabama 1975, as amended, Regular Session, 1978, Acts No. 654, pertaining to qualifications for real estate broker and real estate salesmen licensees, so as to establish a "Real Estate Recovery Fund"; to provide procedural rights for aggrieved parties in certain real estate transactions and to provide for the

termination of the license of any person against whom a judgment creates a claim against such fund; and to further provide for certain fees and the distribution thereof.

JOHH W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 501. To require any person, firm, or corporation which operates, constructs, or maintains a nuclear powered electric generating facility licensed by the U. S. Nuclear Regulatory Commission to conduct inquiries into the criminal records of any employee who performs duties at such facility; to require that fingerprint cards of such employee be submitted by his employer to the Alabama Department of Public Safety requiring a search to be conducted of state and federal criminal history files with the results thereof being furnished to submitting employer; to provide exemptions of certain employees from the provisions of this Act; and to relieve and hold harmless the Department of Public Safety from any liability arising from disclosure of criminal history records provided under the provisions of this Act.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 275. To raise revenue by levying a privilege or excise tax on every person licensed under the provisions of Title 28, Article 4, Code of Alabama 1975, who sells, stores, or receives for the purpose of distribution, malt or brewed beverages; to provide for the collection and distribution of the proceeds of said tax; to prescribe penalties for failure to collect or pay the tax or

for possession of unidentified malt or brewed beverages; to provide for identification of such beverages; and to supersede and repeal Title 28, Article 5, Chapter 3, Code of Alabama 1975, and repeals other conflicting laws.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 1063. Relating to Talladega County; to promote temperance by regulating the sale of alcoholic beverages; to authorize the Alabama alcoholic beverage control board to permit the handling and sale of table wine, containing not more than 14% alcohol by volume, by its licensees; to define terms, including wine, table wine, fortified wine or vinous liquor, manufacturer, wine wholesaler and wine retailer; to provide for the licensing of wine manufacturers, wine wholesalers and wine retailers by the Alabama alcoholic beverage control board; to impose state filing fees thereon and to levy state license fees on wine wholesalers and retailers; to authorize the levy of county and municipal license fees thereon; to impose an exclusive tax on or measured by the sale of table wine in Talladega County and to provide for the collection, administration and distribution thereof; to prescribe violations and offenses, and to provide for the imposition of fines and the suspension or revocation of licenses.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 860. To provide additional revenue in Barbour County; levying in that part of Barbour County outside the corporate limits of the city of Eufaula special county privilege license and excise taxes paralleling, at lower rates,

state sales and use taxes as provided for in Chapter 23 of Title 40 of the Code of Alabama 1975; providing for the ascertainment, collection, payment, distribution and use of the proceeds of such license tax, and for the enforcement of the act by the state department of revenue; and prescribing penalties and fixing punishment for violations of the act; and to provide a referendum election.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 174. To authorize the director of the department of public safety to restrict driving in the extreme left side in any portion of any interstate highway, or of any highway of sufficient width, except for overtaking and passing; and to provide notice to the state highway director.

Also:

H. 378. To amend the Code of Alabama 1975, § 9-11-53, subsection (a) so as to increase the cost of resident fishing licenses, and restricting the hook and line license to the county in which the licensee resides.

Also:

H. 722. To amend Section 7 of Act No. 12, S. 56, Second Special Session 1978 (Acts 1978, p. 1616), the Educational Appropriation Act for the fiscal year ending September 30, 1979, so as to further provide for the allocation to the nursing programs at the George C. Wallace Community College—Technical Branch—Dothan.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 1009. Relating to Lauderdale County; providing further for the salary of the members of the Board of Equalization, payable pursuant to Section 40-3-8 of the Code of Alabama 1975, with the municipality, county and state sharing the costs therefor; and providing for retroactive effect to May 15, 1979.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 241. To further provide for taxation relating to the sale of alcoholic beverages; to levy an additional state sales tax on the sale of alcoholic beverages; to provide that the revenues produced from the additional tax shall be collected by the Department of Revenue in the same manner as are other such taxes; to allow the Department of Revenue to retain a certain sum for the cost of collection and redistribution of the net proceeds; to prescribe that all net proceeds generated by this act shall be distributed back to the municipalities from which the taxes are collected; to provide that the municipalities shall redistribute the additional tax proceeds on the same pro rata basis as are other such taxes; and to prohibit any municipality which receives proceeds pursuant to the provisions of this act from levying or collecting any additional taxes on the sale of alcoholic beverages.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Senate Joint Resolutions and Senate Bills delivered to the Governor and the Secretary of State, with the date and hour of delivery, to-wit:

S. B. 58

S. B. 88

S. B. 120

S. B. 123

S. B. 157

S. B. 164

S. B. 166

S. B. 169

S. B. 187

S. B. 221

S. B. 231

S. B. 288

S. B. 349

S. B. 359

S. B. 386

S. B. 437

S. B. 461

S. B. 501

S. B. 582

S. J. R. 151

S. J. R. 153

Delivered to the Governor, July 30, 1979, at 12:00 noon.

S. B. 41

S. B. 45

S. B. 557

S. B. 571

S. B. 599

S. B. 618

S. B. 619

S. B. 635

S. J. R. 103

S. B. 57

S. B. 558

Delivered to the Governor, July 30, 1979, at 3:45 P.M.

S. B. 165

S. B. 477

S. B. 481

S. B. 564

S. J. R. 157

S. J. R. 161

S. B. 293

S. B. 550

S. J. R. 154

S. J. R. 165

Delivered to the Governor, July 30, 1979, at 10:00 P.M.

S. B. 389

Delivered to the Governor, July 30, 1979, at 11:57 P.M.

S. B. 142

Delivered to the Secretary of State, July 30, 1979, at 11:57 P.M.

S. B. 590

S. J. R. 167

S. J. R. 169

S. J. R. 172

S. B. 136

S. B. 226

S. B. 244

S. B. 358

S. B. 394

S. B. 395

S. B. 497

S. B. 596

S. B. 640

S. B. 2

S. B. 77

S. B. 485

S. B. 486

S. B. 577

Delivered to the Governor, July 30, 1979, at 11:57 P.M.

McDOWELL LEE,
Secretary.

SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

REPORT OF COMMITTEE ON RULES
ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journals of the Senate for the Twenty-Ninth and Thirtieth Legislative Days and finds same correct and containing all original entries and references thereto required by the Constitution.

ALBERT McDONALD,
Chairman.

COMMITTEE REPORT

On motion of Mr. McDonald, the foregoing report was concurred in and the Journals of the Senate for the Twenty-Ninth and Thirtieth Legislative Days were approved by the Senate.

ADJOURNMENT

At 12 o'clock Midnight, on motion of Mr. Teague, in accordance with Joint Resolution heretofore adopted, the Senate adjourned sine die.

/s/ McDOWELL LEE

Secretary of Senate

IN THE LEGISLATURE OF THE STATE OF ALABAMA

STATE SENATE

REGULAR SESSION, 1979

LOBBYIST REGISTRATION

(In accordance with the provisions of Joint Rules of the two houses of the Alabama Legislature, Rules 15-23)

Abbott, Lynn C., National Association of Social Workers.

Akel, Mary Jane, Alabama Education Association.

Alexander, Dan C., Jr., Alabama Podiatry Association.

Allison, Claude F., Alabama LP Gas Association.

Amos, Doug, Alabama League of Savings Associations.

Argo, J. Knox, American Insurance Association; Tobacco Institute; Motion Picture Company of America; Blue Cross-Blue Shield.

Arnold, Daniel Jefferson, Ciba-Geigy Corporation.

Arrington, Richard H., Southern Railway Company.

Avinger, C. E., Alabama Bankers Association.

Bagley, R. B., Joint Leg. Com., A.A.R.P. & N.R.T.A.

Bailey, George F., Alabama Railroad Association.

Bailey, Melvin A., Continental Telephone Company of South.

Balch, S. Eason, Jr., Alabama Power Company.

Banks, P. H. "Pat", National Federation of Independent Business.

Baril, Eugene A., General Telephone Company of the Southeast.

Barker, Elizabeth A., Alabama State Nurses Association.

Bates, C. W., United States Pipe and Foundry Company; Jim Walter Resources.

Beck, George, Alabama Trial Lawyers.

Beers, Gary J., Upjohn Health Care, Inc.

Bethea, Joseph P., Chevron U.S.A., Inc. and its parent corporation, Standard Oil Company of California and subsidiaries.

Blair, John Clyde, Self.

Boone, Robert C., Gulf Oil Corporation.

Brand, James B., Jr., Associated Industries of Alabama.

Bright, Garfield R., Sr., Alabama Education Association.

Brindley, Joe, University of Montevallo.

Britton, James Judson, Alabama Chamber of Commerce.

Brock, Harry B., Jr., Central Bancshares of the South, Inc.

Brown, David C., University of North Alabama.

Burke, Charles W., Distilled Spirits Council of U.S., Inc.

Burks, A. A., Alabama A & M University.

Burks, Amy, Alabama Education Association.

Burns, Charles J., Alabama Association of Cemeteries.

Burrell, Richard J., Household Finance Corporation.

Butler, Peter T., Alabama State Employees Association.

Caddell, Henry H., Legal Services Corporation of Alabama.

Cagle, Carolyn, Alabama Historical Commission.

Camp, Billy Joe, Self; Asbestos Workers Union; Hogan, Smith, Alspaugh; Alabama Trial Lawyers Association.

Carlton, John P., City of Birmingham.

Carpenter, Joseph T., Alabama State Bar Association.

Carr, Bruce, Laborers International Union.

Casey, John S., Alabama Railroad Association.

Castle, John H., Mobile Gas Co.

Chestnut, William F., Union Camp Corp.

Christian, James M., Ciba-Geigy Pharmaceutical Division.

Clark, James S., Central Bancshares of the South.

Cloud, John W., Self.

Cobb, William J., South Central Bell.

Coleman, Sam L., Self.

Collins, Jerry, Concerned Christians for Good Government.

Cosper, Robert Donald, Alabama Education Association.

Crawford, Bobby J., Alabama Power Co.

Crosslin, Travis L., Laborers District Council of Alabama.

Crow, III, Warren B., Alabama Independent Insurance Agents.

Crowe, Aubrey Derrill, Mutual Assurance Society of Alabama.

Culbreth, Jane, Alabama Federation Business and Professional Women's Clubs.

Cunningham, R. J., Alabama Association of Life Underwriters; Alabama Hotel & Motel Association; Alabama Travel Council; Alabama Association of Radio Utilities; Professional Insurance Agents of Alabama.

Dakin, Milo, Alabama Consumer Finance Association.

Dart, Thomas R., Alabama Petroleum Council.

Davis, Janet I., Alabama Education Association.

Dawkins, II, Joe M., Office of Consumer Protection.

Diamond, Ledger, Laborers International.

de Lissovoy, Greg, National Council on Alcoholism.

Dolbare, Jeffery Blow, Alabama Education Association.

Dorrill, Jr., John H., Alabama Farm Bureau Federation.

Doucette, Paul B., Texaco Inc.

Duke, David Lee, Alabama State Police Association.

Emmons, Phyllis Lee, Alabama Education Assocation.

Engelhardt, Sam, Alabama Power Company.

Eden, Tom, Alabama Textile Manufacturers Association.

Ellis, Marion F., Alabama Association of Volunteer Fire Departments.

Farish, Edward S., Department of Conservation & Natural Resources.

Farish, Preston T., Alabama A & M University.

Fields, Edward E., Mobile Gas Service Corporation.

Fields, Jane, Alabama State Policeman's Association.

Finley, Robert, Alabama Department of Public Health.

Foshee, E. C., Self.

Fitzpatrick, George D., Alabama Credit Union League.

Ford, Jr., Paul B., Self.

Freeman, James, Alabama Labor Council.

Gallion, III, Thomas T., American Mutual Insurance Alliance (The Alliance) Fairhope Fair Tax Corporation.

Gamble, Col. James F., National Guard Association of Alabama.

Ganaway, John, Birmingham Firefighters Association.

Garnett, Bud, Alabama Association of Volunteer Fire Department.

Gattis, Jr., James Edward, Alabama Education Association.

Gean, Shirley J., Alabama Education Association.

Gibson, Don, Troy State University.

Gray, Billy, Birmingham Firefighters Association.

Gray, James A., Alabama Road Builders Association, Inc.

Greene, John "Scotty", City of Birmingham.

Green, William L., Alabama By-products Corporation.

Groome, James H., Mead Corporation.

Hale, Glen, Birmingham Firefighters Local 117.

Hale, Morris Gresham, Mental Health.

Hallam, Philip G., Alabama Wholesale Beer & Wine Association.

Hamilton, D. N., Alabama League of Municipalities; American Rec. Insurance Association; Jim Walter Corporation; Clerks & Registrars Assoc.; Graham Energy Assoc.

Hamilton, Michael R., Alabama Education Association.

Harper, Robert, Birmingham Regional Hospital Council.

Harris, Patrick, Unified Judicial System.

Harris, Roosevelt A., Alabama Education Association.

Hawkins, Jr., John H., Alabama Power Company.

Hewlett, William E. (Ed), Ridout's Brown Service, Inc.

Hildebrand, J. Bruce, Alabama Asphalt Paving Association.

Holsenbeck, Dan, Auburn University in Montgomery.

Horne, John, Alabama Rural Electric.

Hubbert, Paul, Alabama Education Association.

Hubbard, Dottie (Doris), Alabama Education Association.

Hudson, Phillip W., Self.

Hudson, James H., Eli Lilly & Company.

Hulsey, Arual L., AFL-CIO Appalachian Council.

Hunt, Larry, Alabama Association of School Boards.

Hydrick Robert T., The Mead Corporation.

Ingram, Kenneth F., State Judiciary.

Irby, Paul D., Self.

Jetton, Bruce, Alabama Trial Lawyers Association.

Jimmar, Emmitt E., Alabama Education Association.

Johnsey, Walter, Alabama Power Company.

Johnson, Gerald W., Auburn University.

Johnson, John B., Alabama Petroleum Council.

Jones, Fred R., Alabama State Chiropractic Association.

Johnston, J. Reese, Jr., Jefferson County.

Jones, D. Paul, Jr., Central Bancshares of the South, Inc.

Jones, Mary N., Morgan County Board of Registrars.

Jones, William R., University of Alabama.

Jordan, James V., III, Southern Natural Gas Company.

Katz, Jane L., League of Women Voters of Alabama; National Association of Social Workers.

Kearley, Frances, Alabama Education Association.

Keener, Pat, Alabama Education Association.

Kelly, Boyd, Alabama Forestry Association.

Kennedy, Deborah P., Alabama Education Association.

Kilpatrick, William R., Alabama Association of Volunteer Fire Department.

Kimbrough, Hardie B., State Judiciary.

King, William Carl, Alabama Institute for the Deaf and Blind.

Knight, G. Gordon, Smith Kline & French Laboratories.

Knight, Jenne C., Morgan County Board of Registrars.

Knight, Vernon D., Alabama Optometric Association.

Knipe, William A., Self.

Lacy, Alex S., Alabama Gas Corporation.

Lambert, Ealon M., Reynolds Metal Company.

Landers, John, Alabama Education Association.

Lawley, William R., Alabama Asphalt Paving Association.

Lee, Richard G., Exxon Co., U.S.A.

Livingston, Edwin K., Alabama Tax Assessors & Collectors; Graham Resources, Inc.

Locke, Douglas, Alabama Education Association.

Lollar, Wilburn R., United Mine Workers of America.

Long, Fred D., Alabama Petroleum Mkts. Association.

Longerbeam, F. Thomas, Motor Vehicle Manufacturers Association.

Lowden, James E., Alabama Christian Education Association.

Lumpkin, B. J., Alabama Firefighters Pension Fund Assn.

McCluskey, Murray P., Council for the Advancement of Private Colleges.

McDonald, Charles, Alabama Retail Association.

McGregor, Tom, Alabama Gas Corporation.

McMahan, Wayne, Alabama Dental Association.

McMillan, Harry, Alabama Bancorporation.

McPhillips, Julian L., Jr., Hogan, Smith & Alspaugh, Attorneys at Law.

Mann, Floyd H., University of Alabama.

Martin, Robert A., Administrative Office of Courts.

Masters, Jeffrey D., Associated Builders & Contractors, Inc.

Meissner, Dan, West Alabama EMS, Inc.

Miller, John C., National Advertising Company.

Miller, John W., Home Builders Association of Alabama.

Miller, Largent M., Alabama-Mississippi Independent Telephone Association.

Mims, Maston, Self.

Mintz, William E., Alabama Labor Council, AFL-CIO.

Mitchell, Charles K., Home Builders Association of Alabama.

Mitchell, Wendell W., Production Credit Associations of Alabama; Wyndol Murrah, Chrm.

Mobley, Gilbert, Associated Industries of Alabama.

Myers, James William, A. H. Robbins Co., Inc.

Nash, James G., Alabama Lenders Association.

Nixon, Virginia D., Alabama Education Association.

O'Connor, William F., Jr., Alabama Press Association.

Outland, Alfred, III, Alabama Education Association.

Owen, L. D., Jr., Fairhope Single Tax Corporation.

Parker, Alton B., NRTA-AARP.

Parker, William G., Alabama Education Association.

Parsons, Milton K., Alabama Farm Bureau Federation.

Pepperman, J. Ed, U. S. Brewers Association, Inc.

Phillips, Hal D., Alabama Education Association.

Pouncy, W. T., Brotherhood of Maintenance of Way Employees.

Powell, Jerry A., Jr., Alabama Hospital Association.

Prier, Claude S., Fraternal Order of Police.

Pugh, Chester M., Alabama State Policemen Association.

Quinn, Randy, Alabama Association of School Boards.

Rane, A. J. "Tony", Alabama Travel Council; Alabama Hotel and Motel Association.

Reaves, Randolph P., Alabama Dental Association; Alabama Psychological Assn.

Richardson, E. Clark, Alabama Power Company.

Rice, Dr. Norman, Jefferson County Board of Education.

Richard, Robert S., Boating Industry Association; National Association of Engine & Boat Manufacturers.

Rider, Diane Lynn, Alabama State Nurses Association.

Robbins, Charlie, Joe Wheeler EMC.

Robinson, Price E., Alabama Firefighters Personnel Standards & Education Commission.

Rogers, Frank, Melvin Bailey.

Roquemore, Perry Crawford, Jr., Alabama League of Municipalities.

Roton, Robert C., First Chapter Alabama State Retired Employees.

Rowe, Charlie, Jacksonville State University.

Russell, Ray Otis, State Department of Agriculture and Industries.

Russell, Robert J., Alabama Association of Realtors; Associated General Contractors of America; National Management, Inc., Consumer Reforms, Inc.

Russell, Robert J., Jr., Robert J. Russell.

Sanders, Becky, Alabama Trial Lawyers Association.

Scott, Robert L., Container Corporation of America.

Sellers, Richard D., Alabama Conservative Union.

Sharpless, Oscar, Association of County Commissions of Alabama.

Shipp, Sara, Alabama Education Association.

Short, Ed, Covington Electric Cooperative, Inc.

Shumaker, Stephen R., Alabama Education Association.

Skinner, T. Julian, Jr., Alabama By-Products Corporation.

Smith, H. E., Jr., Fairfield Finance Corporation.

Smith, Hugh Dwayne, Alabama Association of Volunteer Fire Departments.

Smith, John M., Municipal Electric Utility Association.

Smith, Joseph Wilson, Alabama Chamber of Commerce.

Smith, Phil, Talladega College and Talladega County.

Smith, Walter Clifford, II, Alabama Chamber of Commerce.

Sorrells, Reginald Lee, Association of County Commissions of Alabama.

Spencer, Jerry W., Alabama Farm Bureau Federation.

Spradling, Charles G., Jr., Low-Income Clients of Legal Services of North Central Alabama.

Spruiell, Clemit W., Livingston University.

Stansell, Ted M., Alabama Health Care Association; Alabama Funeral Directors Association.

Stevens, Odell, White Adv. Intl.

Stifflemire, Leslie, United Transportation Union & Chapter 28 AARP.

Still, L. L., NRTA-AARP.

Strain, Robert E., U. S. Steel Corporation.

Street, James A., Alabama Council for School Administration and Supervision.

Streetman, Harold E., Automobile Dealers Association of Alabama, Inc.

Stringer, Benjamin, Alabama Education Association.

Sudduth, Thomas J., Alabama Education Association.

Sullivan, Bernard L., Alabama Education Association.

Taylor, Roland L., Alabama Association of Vol. Fire Departments.

Terry, B. C., Alabama Education Association.

Thiemonge, Jr., Frank, Alabama Safety Council, Inc.

Tiffany, David M., University of South Alabama.

Timmons, Robert D. "Bobby", Alabama Sheriffs Association.

Trammell, A. G., Alabama AFL-CIO.

Turner, Dan, Road Building Legislation.

Turner, John M., Georgia-Pacific Corporation.

Tye, Marvin, Alabama Wildlife Federation.

Tyner, Larry, Weyerhaeuser Company.

Underwood, Kenneth, South Central Bell.

Ussery, John B., Wiregrass Electric Coop., Inc.

Vaughan, Howard, Liberty National Life Insurance Co.

Vest, James Wayne, Alabama Association of Volunteer Fire Depts.

Walker, Darrell Hilton, United Home Owners of America, Inc.

Walker, Tom, Colonial Credit Corp.

Ward, Joseph Edward, Alabama Education Association.

Wasson, Don F., Alabama Mining Institute.

Watkins, Betty Jo, Olin Corporation; Alabama Boards of Registrars Assoc.

Watkins, John F., Alabama League of Municipalities.

Watson, J. Hilton, Alabama Forestry Association.

Watts, Laura, AARP/NRTA Joint State Legislative Committee.

Webster, John E., Birmingham Convention & Visitor Bureau.

Weeks, Barney, Alabama Labor Council, AFL-CIO.

Whiddon, Gary L., Alabama Pharmaceutical Association.

Whitaker, Richard C., Medical Association of the State of Alabama.

White, J. Herbert, Auburn University.

Whittsell, Calvin M., Tobacco Tax Council; Cole National Corp.; Sperry and Hutchinson.

Williams, Jr., Charles H., Mid-Continent Oil & Gas Assn.

Williams, Jesse W., Olin Corporation.

Williams, Jimmie J., Montgomery Firefighter's.

Wilson, E. Ham, Alabama Cattlemen's Association.

Winston, Glenn B., The Emergency Land Fund of Alabama; The Great Western Corporation.

Woods, John W., Alabama Bancorporation.

Worthy, Mildred J., Alabama Education Association.

Wren, Gregory D., Alabama Association of Realtors.

Wright, John J., Greater Birmingham Association Of Home Builders.

ROSTER OF THE SENATE OF ALABAMA

1979

George D. H. McMillan, Jr., *Lieutenant Governor* State Capitol, Montgomery

Finis St. John, *President Pro-Tem* Cullman

McDOWELL LEE, *Secretary* Montgomery

Mrs. William R. Lawley, Jr., *Chief Clerk* Montgomery

First Senatorial District
Bobby Denton 413 Highway 43 South, Tuscumbia 35674

Second Senatorial District
Charlie Britnell Northwest Alabama State Junior College, Phil Campbell 35851

Third Senatorial District
Charles B. Martin P. O. Box 2204, Decatur 35602

Fourth Senatorial District
Finis St. John P. O. Drawer K, Cullman 35055

Fifth Senatorial District
Robert (Bob) Hall 2601 Carson Road, Birmingham 35215

Sixth Senatorial District
Albert McDonald Route 1, Madison 35758

Seventh Senatorial District
Bill Smith Suite 410, Central Bank Building, Huntsville 35801

Eighth Senatorial District
James Lemaster Route 2, Box 228, Scottsboro 35768

Ninth Senatorial District
Hinton Mitchem P. O. Box 297, Albertville 35950

Tenth Senatorial District
Larry H. Keener 816 Chestnut St., Gadsden 35901

Eleventh Senat I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. rial District
Dewey White P. O. Box 7685A, Birmingham 35223

Twelfth Senatorial District
Paschal P. "Pat" Vacca 929-30 Frank Nelson Bldg., Birmingham 35203

Thirteenth Senatorial District
J. Richmond Pearson Citizens Federal Building, P. O. Box 11135, Birmingham 35202

Fourteenth Senatorial District
Mac Parsons 621 City Federal Building, Birmingham 35203

Fifteenth Senatorial District
U. W. Clemon Suite 1600, 2121 Building, Birmingham 35214

Sixteenth Senatorial District
Ryan deGraffenried, Jr. P. O. Box 2427, Tuscaloosa 35401

Seventeenth Senatorial District
Doug Cook P. O. Box 6223-A, Tarrant 35217

Eighteenth Senatorial District
Lister Hill Proctor 121 North Norton Ave., Sylacauga 35150

Nineteenth Senatorial District
John A. Teague P. O. Box 427, Childersburg 35044

Twentieth Senatorial District
Donald G. Holmes 1915 Robinhood Dr., Oxford 36203

Twenty-first Senatorial District
T. D. "Ted" Little P. O. Box 342, Auburn 36830

Twenty-second Senatorial District
G. J. "Dutch" Higginbotham 2602 Savage Drive, Phenix City 36867

Twenty-third Senatorial District
Mike Weeks 510 Park Street, Troy 36081

Twenty-fourth Senatorial District
Chip Bailey P. O. Box 6791, Dothan 36302

Twenty-fifth Senatorial District
Wallace Miller 100½ No. Main, Enterprise 36330

Twenty-sixth Senatorial District
Don Harrison 516 S. Perry St., Montgomery 36104

Twenty-seventh Senatorial District
Bishop N. Barron P. O. Box 221, Montgomery 36104

Twenty-eighth Senatorial District
Cordy Taylor P. O. Box 596, 839 S. Memorial Drive, Prattville 36067

Twenty-ninth Senatorial District
Earl Goodwin P. O. Box 886, Selma 36701

Thirtieth Senatorial District
Edward D. "Big Ed" Robertson P. O. Box 331, Northport 35476

Thirty-first Senatorial District
Reo Kirkland, Jr. P. O. Box 646, 102 St. Joseph, Brewton 36426

Thirty-second Senatorial District
Robert I. "Bob" Gulledge P. O. Box 429, Robertsdale 36567

Thirty-third Senatorial District
Michael A. Figures 1407 Davis Avenue, Mobile 36603

Thirty-fourth Senatorial District
H. L. "Sonny" Callahan P. O. Box 1208, Mobile 36601

Thirty-fifth Senatorial District
Bob Glass State Legislative Office, 602 Belair Blvd., Suite 17, Mobile 36606

STANDING COMMITTEES

OF THE

ALABAMA STATE SENATE

1979

FINANCE AND TAXATION

Pearson, Chairman; Little, Vice-Chairman; Barron, Callahan, deGraffenried, Denton, Glass, Gulledge, Higginbotham, Holmes, Keener, McDonald, Miller, Mitchem, Proctor, Robertson, Smith, St. John, Vacca.

RULES

McDonald, Chairman; Harrison, Vice-Chairman; Clemon, Higginbotham, Mitchem, Pearson, St. John.

JUDICIARY

Clemon, Chairman; deGraffenried, Vice-Chairman; Barron, Britnell, Cook, Figures, Harrison, Keener, Kirkland, Parsons, Proctor, Robertson, Teague, Vacca, White.

GOVERNMENTAL AFFAIRS

Smith, Chairman; Martin, Vice-Chairman; Bailey, Cook, Denton, Figures, Gulledge, Hall, Holmes, Lemaster, Parsons, Pearson, Proctor.

AGRICULTURE, CONSERVATION AND FORESTRY

Mitchem, Chairman; Kirkland, Vice-Chairman; Bailey, Britnell, Denton, Figures, Goodwin, Gulledge, Hall, Lemaster, Little, Martin, Miller, Taylor, Weeks.

BUSINESS AND LABOR RELATIONS

Keener, Chairman; Taylor, Vice-Chairman; Callahan, Cook, Figures, Glass, Harrison, Little, Weeks.

EDUCATION

Higginbotham, Chairman; Hall, Vice-Chairman; Bailey, Britnell, Goodwin, Keener, Little, Taylor, White.

HEALTH AND WELFARE

White, Chairman; Proctor, Vice-Chairman; Britnell, deGraffenried, Denton, Harrison, Holmes, Miller, Smith.

BANKING AND INSURANCE

Bailey, Chairman; Barron, Vice-Chairman; Callahan, Cook, Glass, Goodwin, Gulledge, Higginbotham, Lemaster, Martin, Parsons, Taylor, Teague, Vacca, Weeks.

COMMERCE, TRANSPORTATION AND UTILITIES

Teague, Chairman; Callahan, Vice-Chairman; Clemon, Goodwin, Kirkland, Martin, Parsons, Weeks, White.

LOCAL LEGISLATION NO. 1

Holmes, Chairman; Lemaster, Vice-Chairman; Callahan, deGraffenried, Figures, Glass, Mitchem, McDonald, Robertson, Smith, St. John.

LOCAL LEGISLATION NO. 2

Vacca, Chairman; Hall, Vice-Chairman; Clemon, Cook, Parsons, Pearson, Proctor, White.

STANDING COMMITTEE ASSIGNMENTS

FOR 1979

ALABAMA STATE SENATE

24th District
CHIP BAILEY—Chairman, Banking and Insurance; Governmental Affairs; Agriculture, Conservation and Forestry; Education.

27th District
BISHOP N. BARRON—Vice-Chairman, Banking and Insurance; Finance and Taxation; Judiciary.

2nd District
CHARLIE BRITNELL—Judiciary; Agriculture, Conservation and Forestry; Education; Health and Welfare.

34th District
H. L. "SONNY" CALLAHAN—Vice-Chairman, Commerce, Transportation and Utilities; Finance and Taxation; Business and Labor Relations; Banking and Insurance; Local Legislation No. 1.

15th District
U. W. CLEMON—Chairman, Judiciary; Rules; Commerce, Transportation and Utilities; Local Legislation No. 2.

17th District
DOUG COOK—Judiciary; Governmental Affairs; Business and Labor Relations; Banking and Insurance; Local Legislation No. 2.

16th District
RYAN deGRAFFENRIED, JR.—Vice-Chairman, Judiciary; Finance and Taxation; Health and Welfare; Local Legislation No. 1.

1st District
BOBBY DENTON—Finance and Taxation; Governmental Affairs; Agriculture, Conservation and Forestry; Health and Welfare.

33rd District
MICHAEL A. FIGURES—Judiciary; Governmental Affairs; Agriculture, Conservation and Forestry; Business and Labor Relations; Local Legislation No. 1.

35th District
BOB GLASS—Finance and Taxation; Business and Labor Relations; Banking and Insurance; Local Legislation No. 1.

29th District
EARL GOODWIN—Agriculture, Conservation and Forestry; Education; Banking and Insurance; Commerce, Transportation and Utilities.

32nd District
ROBERT I "BOB" GULLEDGE—Finance and Taxation; Governmental Affairs; Agriculture, Conservation and Forestry; Banking and Insurance.

5th District
ROBERT "BOB" HALL—Vice-Chairman, Education; Vice-Chairman, Local Legislation No. 2; Governmental Affairs; Agriculture, Conservation and Forestry.

26th District
DON HARRISON—Vice-Chairman, Rules; Judiciary; Business and Labor Relations; Health and Welfare.

22nd District
G. J. "DUTCH" HIGGINBOTHAM—Chairman, Education; Finance and Taxation; Rules; Banking and Insurance.

20th District
DONALD G. HOLMES—Chairman, Local Legislation No. 1; Finance and Taxation; Governmental Affairs; Health and Welfare.

10th District
LARRY H. KEENER—Chairman, Business and Labor Relations; Finance and Taxation; Judiciary; Education.

31st District
REO KIRKLAND, JR.—Vice-Chairman, Agriculture, Conservation and Forestry; Judiciary; Commerce, Transportation and Utilities.

8th District
JAMES LEMASTER—Vice-Chairman, Local Legislation No. 1; Governmental Affairs; Agriculture, Conservation and Forestry; Banking and Insurance.

21st District
T. D. "TED" LITTLE—Vice-Chairman, Finance and Taxation; Agriculture, Conservation and Forestry; Business and Labor Relations; Education.

3rd District
CHARLES B. MARTIN—Vice-Chairman, Governmental Affairs; Agriculture, Conservation and Forestry; Banking and Insurance; Commerce, Transportation and Utilities.

6th District
ALBERT McDONALD—Chairman, Rules; Finance and Taxation; Local Legislation No. 1.

25th District
WALLACE MILLER—Finance and Taxation; Agriculture, Conservation and Forestry; Health and Welfare.

9th District
HINTON MITCHEM—Chairman, Agriculture, Conservation and Forestry; Finance and Taxation; Rules; Local Legislation No. 1.

14th District
MAC PARSONS—Judiciary; Governmental Affairs; Banking and Insurance; Commerce, Transportation and Utilities; Local Legislation No. 2.

13th District
J. RICHMOND PEARSON—Chairman, Finance and Taxation; Rules; Governmental Affairs; Local Legislation No. 2.

18th District
LISTER HILL PROCTOR—Vice-Chairman, Health and Welfare; Finance and Taxation; Judiciary; Governmental Affairs; Local Legislation No. 2.

30th District
EDWARD D. "BIG ED" ROBERTSON—Finance and Taxation; Judiciary; Local Legislation No. 1.

4th District
FINIS ST. JOHN—Finance and Taxation; Rules; Local Legislation No. 1.

7th District
BILL SMITH—Chairman, Governmental Affairs; Finance and Taxation; Health and Welfare; Local Legislation No. 1.

28th District
CORDY TAYLOR—Vice-Chairman, Business and Labor Relations; Agriculture, Conservation and Forestry; Education; Banking and Insurance.

19th District
JOHN A. TEAGUE—Chairman, Commerce, Transportation and Utilities; Judiciary; Banking and Insurance.

12th District
PASCHAL P. "PAT" VACCA—Chairman, Local Legislation No. 2; Finance and Taxation; Judiciary; Banking and Insurance.

23rd District
MIKE WEEKS—Agriculture, Conservation and Forestry; Business and Labor Relations; Banking and Insurance; Commerce, Transportation and Utilities.

11th District
DEWEY WHITE—Chairman, Health and Welfare; Judiciary; Education; Commerce, Transportation and Utilities; Local Legislation No. 2.

HOUSE OF REPRESENTATIVES

ALPHABETICAL ROSTER AND DISTRICT NUMBER

Charles H. Adams, 66
H. H. "Bill" Adams, 30
Robert E. Albright, 20
John E. Amari, 34
Park Barton, 46
Ann Bedsole, 101
Jim Bennett, 37
Jack Biddle, III, 35
A. J. Blake, 56
Hugh Boles, 42
William C. "Bill" Bowling, 11
Carl C. Brakefield, 12
James E. Buskey, 99
W. J. "Bill" Cabaniss, Jr., 31
James M. Campbell, 59
Joe R. Carothers, Jr., 71
Tommy Carter, 16
Eric O. Cates, Jr., 84
Earl Cheatwood, 14
George N. Clark, 88
Wayne Cobb, 5
Tom C. Coburn, 3

Steve Cooley, 10
Gary Cooper, 103
(Resigned January 31, 1979)
W. F. "Noopie" Cosby, Jr., 85
Bobby C. Crow, 58
Gene Daniels, 73
Gerald O. Dial, 60
Larry D. Dixon, 81
Bill Drinkard, 29
William D. Edwards, 83
Joe M. Ford, 28
Robert C. "Bob" Gafford, 33
Charles T. Gilmer, 6
J. W. "Joe" Goodwin, 4
Lynn Greer, 1
Richard Gregg, 19
George H. Grimsley, 70
E. A. Grouby, Jr., 82
Albert Hall, 22
Seth Hammett, 75
Taylor F. Harper, 105
A. L. "Tony" Harrison, 44
Bob Harvey, 27
Earl F. Hilliard, 45
L. Brooks Hines, 91
Jimmy W. Holley, 74
Alvin Holmes, 80
William Fred Horn, 39
Asbury Howard, 49
Ronald E. Jackson, 38
Ronald G. Johnson, 54
Roy W. Johnson, Jr., 47
Phillip "Phil" B. Kelley, 26
Cain J. Kennedy, 98
Richard Laird, 61
Charles D. Langford, 77
S. R. "Sam" Letson, 7
M. Duane Lewis, 50
Joe C. McCorquodale, Jr., 92
Bob McKee, 79
John M. McMillan, Jr., 95
Richard S. "Rick" Manley, 87
Preston "Mann" Minus, Jr., 90
Earl Mitchell, 89
Sonny Moore, Jr., 52
Alvis Naramore, 13
C. Howard Nevett, 41
J. Fred Olive, II, 40
Walter Owens, 48
V. M. Parker, 97
Robert Elliott "Bob" Patton, 8
Arthur Payne, 15
Leigh Pegues, 86
Walter E. Penry, Jr., 94
T. Euclid Rains, Sr., 25
James E. Ray, 68
Thomas Reed, 67
Frank Riddick, 18
Tommy Ed Roberts, 9
J. Thomas Sandusky, 100
James G. Sasser, 69
George Seibels, 32
Eldon Sharpe, 62
Cecil Shavers, 23
Wallace Shoemaker, 55
Curtis Smith, 53
James P. Smith, 17
Martha Jo Smith, 21
Nelson R. Starkey, Jr., 2
George Stewart, 104
J. David Stout, 24
Hoyt W. Trammell, 36
Jerome Tucker, 43
J. E. Turner, 96
Pete Turnham, 63
Jack B. Venable, 76
J. T. "Jabo" Waggoner, Jr., 51
Shelby Dean Ward, 64
J. E. "Jimmy" Warren, 93
Charles W. Whatley, 65
R. Nolan Williams, 72
Gerald Willis, 57
Cecil Wyatt, 78
Mary S. Zoghby, 102

ROSTER
HOUSE OF REPRESENTATIVES
OF ALABAMA, 1979

JOE C. McCORQUODALE, JR., *Speaker,* Jackson

RICHARD S. (RICK) MANLEY
Speaker Pro-Tem, Demopolis

JOHN W. PEMBERTON, *Clerk,* Montgomery

MEMBERS OF THE HOUSE

Dist. No.	Counties	Name	Address
1	LAUDERDALE	Lynn Greer	Rt. 3, Box 102, Rogersville 35652
2	LAUDERDALE	Nelson R. Starkey, Jr.	158 Cedarcrest Drive, Florence 35630
3	LAUDERDALE, COLBERT, FRANKLIN	Tom Coburn	1107 E. Third St., Tuscumbia 35674
4	COLBERT, FRANKLIN	J. W. (Joe) Goodwin	310 Ford Road, Muscle Shoals 35660
5	FRANKLIN, MARION	Wayne Cobb	Rt. 4, Hamilton 35570
6	LAMAR, MARION, FAYETTE	Charles T. Gilmer	P. O. Box 665, Vernon 35592
7	LAWRENCE, MORGAN	S. R. (Sam) Letson	P. O. Box 156-B, Moulton 35650
8	MORGAN	Robert E. "Bob" Patton	P. O. Box 786, Decatur 35601
9	MORGAN	Tommy Ed Roberts	Brookwood Street, P. O. Box 1298, Hartselle 35640
10	MORGAN, CULLMAN	Steve Cooley	P. O. Box 402, Cullman 35055
11	CULLMAN, WINSTON	W. C. "Bill" Bowling	Rt. 2, Hanceville 35077
12	WINSTON, WALKER	Carl C. Brakefield	P. O. Box G, Carbon Hill 35549
13	WALKER	Alvis Naramore	Rt. 10, Jasper 35501

14 JEFFERSON, BLOUNT
Earl Cheatwood Rt. 1, Box 932, Warrior 35180

15 JEFFERSON
Arthur Payne 2825 2nd St., N.W., Birmingham 35215

16 LIMESTONE
Tommy Carter Rt. 2, Box 72, Elkmont 35620

17 LIMESTONE, MADISON
James P. (Jim) Smith 108 South Side Square*
Huntsville 35801*

18 MADISON
Frank H. Riddick 7804 Lauderdale Rd., S.W., Huntsville 35802

19 MADISON
Richard Gregg 4007 Nelson Dr., Huntsville 35810

20 MADISON
Robert E. Albright 2024 Stanhope Dr., N.E.,
Huntsville 35811

21 MADISON
Martha Jo Smith 1700 Big Cove Rd., S.E., Huntsville 35801

22 MADISON, JACKSON
Albert Hall P. O. Box 275, Gurley 35748

23 JACKSON
Cecil Shavers Jackson County Court House,
Scottsboro 35768

24 JACKSON, DeKALB
J. David Stout Rt. 7, Fort Payne 35967

25 DeKALB, MARSHALL
T. Euclid Rains, Sr., ... Rt. 1, Box 326, Albertville 35950

26 MARSHALL
Phillip B. (Phil) Kelley Rt. 2, Box 486, Guntersville 35976

27 BLOUNT, ETOWAH, MARSHALL
Bob Harvey Rt. 4, Box 342, Oneonta 35121

28 ETOWAH
Joe Ford 117 Arcade St. E., Gadsden 35903

29 ETOWAH
Bill Drinkard P. O. Box 372, Gadsden 35902

30 ETOWAH, CHEROKEE
H. H. (Bill) Adams Rt. 3, Box 257, Piedmont 36272

31 JEFFERSON
W. J. (Bill) Cabaniss P. O. Box 57032, Birmingham 35209

32 JEFFERSON
George Seibels 4016 10th Ave., So., Birmingham 35222

33 JEFFERSON
Robert C. "Bob" Gafford ... 5345 Division Ave., Birmingham 35212

34 JEFFERSON
John E. Amari 9636 Parkway E., Birmingham 35215

35 JEFFERSON
Jack Biddle, III 2256 Pinehurst Dr., Gardendale 35071

36 JEFFERSON
Hoyt W. Trammell Rt. 15, Box 247, Birmingham 35224

37 JEFFERSON
Jim Bennett Dept. of Public Affairs, B'ham Southern College, 800-8th Ave., West, Birmingham 35204

38 JEFFERSON
Ronald E. Jackson 1324 Elmwood St., Birmingham 35211

39 JEFFERSON
William Fred Horn 333 16th Ave. S.W., Birmingham 35211

40 JEFFERSON
J. Fred Olive, II 1612 27th St. W., Birmingham 35218

41 JEFFERSON
C. Howard Nevett 5028 Parkway Ave., Fairfield 35064

42 JEFFERSON
Hugh Boles 1036 Normandale Circle, Hueytown 35020

43 JEFFERSON
Jerome Tucker 1603 N. 34th Ave., Birmingham 35207

44 JEFFERSON
A. L. (Tony) Harrison 1630 4th Ave., No., Birmingham 35203

45 JEFFERSON
Earl F. Hilliard P. O. Box 11385, Birmingham 35202

46 TUSCALOOSA
Park Barton P. O. Box 338, Tuscaloosa 35401

47 TUSCALOOSA
Roy W. Johnson, Jr. 4501 20th St., N.E., Tuscaloosa 35401

48 TUSCALOOSA, BIBB
Walter Owens 107 Court Sq. West, Centreville 35042

49 TUSCALOOSA, JEFFERSON
Asbury Howard 1930 Exeter Ave., Bessemer 35020

50 JEFFERSON
M. Duane Lewis 732 Castlewood Dr., Bessemer 35020

51 JEFFERSON, SHELBY
J. T. "Jabo" Waggoner, Jr. .. 1829 Mission Rd., Birmingham 35216

52 JEFFERSON, SHELBY, TALLADEGA
Sonny Moore, Jr. P. O. Box 44, Sterrett 35147

53 CHILTON, SHELBY
Curtis Smith Rt. 3, Box 118, Clanton 35045

54 COOSA, TALLADEGA
Ronald G. Johnson Hobson Plaza Pharmacy, Sylacauga 35150

55 TALLADEGA
Wallace Shoemaker 15 Cliff Rd., Childersburg 35044

56 ST. CLAIR, CALHOUN
A. J. Blake Rt. 1, Box 206A, Pell City 35125

57 CALHOUN
Gerald Willis Rt. 2, Box 286, Piedmont 36272

58 CALHOUN
Bobby C. Crow Rt. 10, Box 842, Anniston 36201

59 CALHOUN
James M. Campbell P. O. Box 2003, Anniston 36202

60 CLAY, CLEBURNE, TALLADEGA
Gerald O. Dial Box 275, Lineville 36266

61 RANDOLPH, CHAMBERS
Richard Laird Bonner Dr., Roanoke 36274

62 TALLAPOOSA, CHAMBERS
Eldon Sharpe 304 So. Broadmax, Dadeville 36853

63 TALLAPOOSA, LEE, CHAMBERS
Pete Turnham P. O. Box 1592, Auburn 36830

64 CHAMBERS, LEE
Shelby Dean Ward P. O. Box 689, Opelika 36801

65 LEE, RUSSELL, BARBOUR
Charles W. Whatley Rt. 5, Box 296, Opelika 36801

66 RUSSELL
Charles Adams P. O. Box 967, Phenix City 36867

67 MACON, BULLOCK
Thomas Reed Drawer EE, Tuskegee Institute, Tuskegee 36088

68 PIKE, COFFEE, BULLOCK, BARBOUR
James E. Ray 104 Woodland Circle, Troy 36081

69 DALE, BARBOUR, HENRY
James G. Sasser 1208 Skipperville Rd., Ozark 36360

70 HOUSTON, HENRY, BARBOUR
George H. Grimsley Rt. 1, Columbia 36319

71 HOUSTON
Joe Carothers, Jr. Rt. 8, Box 33, Dothan 36301

72 DALE
R. Nolan Williams Rt. 2, Newton 36352

73 GENEVA, COVINGTON, HOUSTON
Gene Daniels Rt. 2, Box 207, Samson 36477

74 COVINGTON, COFFEE
Jimmy W. Holley Rt. 3, Box 191 E, Elba 36323

75 COVINGTON
Seth Hammett P. O. Box 1418, Andalusia 36420

76 ELMORE
Jack B. Venable P. O. Box 736, Tallassee 36078

77 MONTGOMERY
Charles D. Langford 352 Dexter Ave., Montgomery 36104

78 MONTGOMERY, CRENSHAW
Cecil Wyatt P. O. Box 1, Ramer 36069

79 MONTGOMERY
Bob McKee P. O. Box 424, Montgomery 36102

80 MONTGOMERY
Alvin Holmes P. O. Box 6064, Montgomery 36106

81 MONTGOMERY
Larry Dixon Jackson Hospital Foundation, 1235 Forest Ave., Montgomery 36106

82 MONTGOMERY, AUTAUGA, ELMORE, LOWNDES
E. A. Grouby, Jr. P. O. Box 188, Prattville 36067

83 WILCOX, LOWNDES, DALLAS
William D. Edwards Rt. 1, Box 188, Fort Deposit 36032

84 BUTLER, CRENSHAW
Eric O. Cates, Jr. Rt. 2, Box 320, Greenville 36037

85 DALLAS, AUTAUGA
William F. "Noopie" Cosby, Jr. 201 Ruth St., Selma 36701

86 DALLAS, PERRY, MARENGO
Leigh Pegues 204 East Early St., Marion 36756

87 MARENGO, SUMTER, HALE, GREENE
Richard S. (Rick) Manley P. O. Drawer U, Demopolis 36732

88 GREENE, PICKENS, TUSCALOOSA, HALE
George Clark Box 6, Eutaw 35462

89 TUSCALOOSA, PICKENS
Earl Mitchell P. O. Box 426, Northport 35476

90 SUMTER, CHOCTAW
Preston "Mann" Minus, Jr. P. O. Box 312, Livingston 35470

91 ESCAMBIA
L. Brooks Hines P. O. Box 345, Brewton 36426

92 CLARKE, MONROE
Joe C. McCorquodale, Jr. P. O. Box 535, 111 W. Church St., Jackson 36545

93 MONROE, CONECUH, ESCAMBIA
J. E. (Jimmy) Warren P. O. Box 207, Castleberry 36432

94 BALDWIN
Walter E. Penry, Jr. Rt. 2, Box 286, Daphne 36526

95 BALDWIN, MOBILE
John McMillan, Jr. P. O. Box 174, Stockton 36579

96 WASHINGTON, MOBILE
J. E. Turner P. O. Box 901, Citronelle 36522

97 MOBILE
V. M. Parker 504 Woodlore Dr., Chickasaw 36611

98 MOBILE
Cain J. Kennedy 111 Lovejoy Loop, Prichard 36610

99 MOBILE
James E. Buskey 2207 Barretts Lane, Mobile 36617

100 MOBILE
J. Thomas (Tommy) Sandusky .. 2113 Knollwood Dr., Mobile 36609

101 MOBILE
Ann Bedsole 25 Edgefield Rd., Mobile 36608

102 MOBILE
Mary S. Zoghby 2862 Hilburn Dr., Mobile 36606

103 MOBILE

104 MOBILE
George Stewart 4413 S. Shan Dr., Mobile 36609

105 MOBILE
Taylor F. Harper P. O. Box 208, Grand Bay 36541

LEGISLATIVE DAYS—REGULAR SESSION, 1979

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SECOND DAY—Thursday, April 19, 1979	42
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NINTH DAY—Tuesday, May 15, 1979	256
TENTH DAY—Thursday, May 17, 1979	291
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NINETEENTH DAY—Tuesday, June 19, 1979	697
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TWENTY-FIRST DAY—Tuesday, June 26, 1979	792
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TWENTY-THIRD DAY—Monday, July 2, 1979	897
TWENTY-FOURTH DAY—Tuesday, July 10, 1979	1083
TWENTY-FIFTH DAY—Wednesday, July 11, 1979	1151
TWENTY-SIXTH DAY—Thursday, July 12, 1979	1226
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